

**CITY OF BARBERTON, OHIO DEVELOPMENT CODE**

**CITY OF BARBERTON, OHIO  
DEVELOPMENT CODE**

**Land Use, Subdivision, Landscaping & Signage Regulations  
Effective January 11, 1996  
This Infobase is Complete to April 2001.**

**CITY OF BARBERTON**

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**Title 2 : Zoning**

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**Title 2 : Zoning / Chapter 1100 General Provisions**

**Chapter 1100  
General Provisions**

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**Title 2 : Zoning / Chapter 1100 General Provisions / 1100.01 Establishment**

**1100.01 Establishment**

**Title 2 : Zoning / Chapter 1100 General Provisions / 1100.01 Establishment / (a) Title**

**(a) Title**

This Code, consisting of Chapters 1100 through 1399 of the Codified Ordinances of Barberton, Ohio, shall be known, cited, and referred to as: The City of Barberton Development Code.

**Title 2 : Zoning / Chapter 1100 General Provisions / 1100.01 Establishment / (b) Authority**

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**(b) Authority**

This Code is adopted under the authority of:

- (1) the powers granted to the City of Barberton as a Charter City, and
- (2) Section 711.101 of the Ohio Revised Code for subdivision regulations, and
- (3) Section 713.06 of the Ohio Revised Code for zoning regulations, and
- (4) Section 715.27 of the Revised Code for sign, fence, and related regulations.

**Title 2 : Zoning / Chapter 1100 General Provisions / 1100.01 Establishment / (c) Purpose**

**(c) Purpose**

This Code is adopted to improve and protect the public health, safety, and welfare of residents of the City. To this end the Code seeks:

- (1) To further the implementation of the City's Comprehensive Plan in such a manner as any changed conditions since its adoption require
- (2) To prevent new construction or alteration or expansion of existing construction that does not comply with City regulations
- (3) to promote the orderly layout and utilization of land
- (4) to further safe and efficient circulation of motor vehicles and pedestrians
- (5) to provide adequate public services and facilities for City residents
- (6) to make adequate provision for water supply, sewerage, storm water drainage, other utility services, schools, parks, playgrounds, and other public areas
- (7) to ensure adequate legal description and survey monumentation of subdivided land.

**Title 2 : Zoning / Chapter 1100 General Provisions / 1100.01 Establishment / (d) Repeal**

**(d) Repeal**

Upon enactment of this Code, there shall thereby be repealed the following City regulations:

1. the Land Planning and Subdivision Regulations, and

2. the Planning and Zoning Code, and
3. Chapter 1448, Building in Flood Plain Areas, of the Building Code.

In addition, the Zoning Resolution of Coventry Township shall upon enactment of this Code no longer have applicability in any part of the City.

Except as may have been provided in the enacting ordinance, no other ordinance, regulation, annexation agreement, or private agreement, covenant, or easement is intended to be repealed or abrogated.

**Title 2 : Zoning / Chapter 1100 General Provisions / 1100.01 Establishment / (e) Effective Date**

**(e) Effective Date**

This Code shall be in full force and effect on the date of effect specified in the enacting ordinance.

**Title 2 : Zoning / Chapter 1100 General Provisions / 1100.01 Establishment / (f) Separability**

**(f) Separability**

If any court of competent jurisdiction shall adjudge invalid any provision of this Code, such judgment shall not affect any other provision hereof not specifically included in said judgment.

Further, if such court shall adjudge invalid the application of any provision hereof to a particular property, such judgment shall not affect the application of said provision to any other property not specifically included in said judgment.

**Title 2 : Zoning / Chapter 1100 General Provisions / 1100.02 Applicability**

**1100.02 Applicability**

**Title 2 : Zoning / Chapter 1100 General Provisions / 1100.02 Applicability / (a) Activities Regulated**

**(a) Activities Regulated**

Except in conformity with the applicable provisions of this Code, within the area of geographic applicability defined herein:

**Barberton Development Code**

(1) no land shall hereafter be divided, conveyed, monumented, recorded, or transferred, and

(2) no division of land shall be submitted for recording with the Recorder of Summit or Wayne County, and

(3) no building, structure, land, body of water, air rights, or other premises in the City shall hereafter be improved, constructed or constructed upon, developed, used, established, maintained, occupied, altered, converted, enlarged or moved.

**Title 2 : Zoning / Chapter 1100 General Provisions / 1100.02 Applicability / (b) Geographic Applicability**

**(b) Geographic Applicability**

The regulations of this Code shall apply to all parts of the City of Barberton and to all land annexed to the City.

**Title 2 : Zoning / Chapter 1100 General Provisions / 1100.02 Applicability / (c) Minimum Requirements**

**(c) Minimum Requirements**

The provisions herein shall, in their interpretation and application, be considered minimum requirements.

**Title 2 : Zoning / Chapter 1100 General Provisions / 1100.02 Applicability / (d) More Restrictive Regulation Applies**

**(d) More Restrictive Regulation Applies**

In any case in which any portion of this or any other City code, ordinance, or any other applicable county, state, or federal law or regulation or any kind of private agreement, covenant, or easement applying within the City, establishes a requirement that is either more or less restrictive than a particular requirement established herein, the provision that is the more restrictive or that imposes the higher standard or requirement shall govern.

Except that among the regulations of the City, a provision establishing a rule for a specific case or exception shall govern in lieu of a provision that establishes a more general rule applying to a broader class of properties or situations.

**Title 2 : Zoning / Chapter 1100 General Provisions / 1100.02 Applicability / (e) Unlawful Uses**

**Not Made Lawful**

**(e) Unlawful Uses Not Made Lawful**

No building, structure, or use not lawfully existing on the date of effect of this Code shall be made lawful solely by the adoption thereof. Such structure or use shall remain unlawful hereunder to the extent that it is in conflict with the requirements of this Code.

**Title 2 : Zoning / Chapter 1110 Zoning Districts**

**Chapter 1110  
Zoning Districts**

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**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.01 Zoning Map**

**1110.01 Zoning Map**

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.01 Zoning Map / (a) Establishment of Districts**

**(a) Establishment of Districts**

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.01 Zoning Map / (a) Establishment of Districts / (1) Zoning Districts**

**(1) *Zoning Districts***

To achieve the purposes of this Code, the City of Barberton is hereby divided and classified into the districts established in this chapter.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.01 Zoning Map / (a) Establishment of Districts / (2) Zoning District Map**

**(2) *Zoning District Map***

The district classification of all land in the City shall be shown on the map designated as the City

Zoning District Map, dated and signed by the Clerk of Council upon adoption.

The Zoning District Map and all amendments thereto shall be as much a part of this Code as if fully described herein and shall be filed as part thereof by the Clerk of Council. The Map shall be available for public inspection in the Building Department. Any amendments to this Map shall be similarly dated, filed, and made available for public reference.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.01 Zoning Map / (a) Establishment of Districts / (3) Multiple Classifications Prohibited**

**(3) *Multiple Classifications Prohibited***

Except in the TNO District, no land shall at any time be classified in more than one zoning district, except that land may be classified in any one or more districts designated as overlay districts herein and in a district not designated as an overlay district.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.01 Zoning Map / (b) District Boundaries**

**(b) *District Boundaries***

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.01 Zoning Map / (b) District Boundaries / (1) Interpretation**

**(1) *Interpretation***

District boundary lines on the Zoning District Map shall, unless clearly indicated otherwise, be interpreted to be on the boundary lines of the City or on the following lines or the extension of them:

- A. the center lines of streets or alleys, railroads, easements, rivers, and other water bodies, or
- B. interior side or rear lot lines.

District boundary lines approximately following such lines shall be interpreted as located on those lines. Distances not specifically indicated on the Map shall be established using the scale of the Map.

Interpretations of the Zoning District Map not determinable by the rules in this division shall be as provided in division 1310.04(b).

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.01 Zoning Map / (b) District Boundaries / (2) Zoning Boundary Dividing a Lot**

**(2) *Zoning Boundary Dividing a Lot***

Where a district boundary divides a lot in single ownership, the district governing any portion of the lot may, at the owner's discretion, extend to the entire lot if such extension is not at any point more than 25 feet beyond the boundary on the Map.

(Ord. 119-1999. Passed 7-26-99.)

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations**

**1110.02 Special District Regulations**

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (a) Precedence of Overlays**

**(a) Precedence of Overlays**

Unless specifically provided otherwise in this Code, if the requirements of an overlay district conflict with the requirements of the underlying district or with any other provision of City regulations, the requirements of the overlay district shall govern.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (b) Zoning of Annexed Land**

**(b) Zoning of Annexed Land**

Except as may be provided by a preannexation agreement or by subsequent or simultaneous rezoning, any parcel of land hereafter annexed to the City shall upon annexation be classified in the AE District.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (c) Lot Areas Without Sewer**

**(c) Lot Areas Without Sewer**

Notwithstanding any other provision of this chapter, minimum lot areas for lots not served by a public or



community sewer system shall be as approved as safe for septic systems by the City Health Department based on soil and groundwater conditions.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (d)  
Non-Residential Uses in Residential Districts**

**(d) Non-Residential Uses in Residential Districts**

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (d)  
Non-Residential Uses in Residential Districts / (1) Permitted Uses**

*(1) Permitted Uses*

Principal Uses other than dwellings that are allowed as Permitted or Conditional Uses in any Residential District shall conform to the dimensional requirements established for single-family detached dwellings in Tables 1110B, 1110C, and 1110E.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (d)  
Non-Residential Uses in Residential Districts / (2) Conditional Uses**

*(2) Conditional Uses*

The Planning Commission may require reasonable standards exceeding the requirements of Tables 1110B, 1110C, and 1110E for any such use allowed as a Conditional Use if it finds such higher standards necessary to ensure compatibility of the use with the surrounding residential environment.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (e)  
Lot Size Averaging**

**(e) Lot Size Averaging**

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (e)  
Lot Size Averaging / (1) Purpose**

*(1) Purpose*

This division is intended to allow flexibility in the planning of residential subdivisions; to facilitate the preservation on private home lots of mature trees, rock outcroppings; and other natural amenities, and to aid in the development of odd-shaped tracts.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (e)  
Lot Size Averaging / (2) Lot Area and Width Reductions  
(2) Lot Area and Width Reductions**

Individual single- and two-family lots may have lot areas per dwelling unit and lot widths smaller than the minimum requirements provided in Tables 1110B and 1110C subject to the restrictions of division (e)(3).

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (e)  
Lot Size Averaging / (3) Restrictions  
(3) Restrictions**

**A. Average Area & Width**

The mean average lot area per dwelling unit and lot width of all single- and two-family residential lots in a development or any phase thereof shall be no less than the minimum Table figures.

**B. Minimum Lot Area**

No lot area per dwelling unit shall be less than 70 percent of the minimum Table figure. Nor shall it be less than provided in division (f)(3).

**C. Minimum Lot Width**

No lot width shall be less than 85 percent of the minimum Table figure. Nor shall it be less than provided in division (f)(3).

**D. Lot Width Transition**

If a lot has a lot width below the minimum required, its width shall not be more than 2 feet below the lesser of:

1. the width of any lot that it abuts, or that it is separated only by an alley from, that has a front lot line on the same street, or
2. the applicable required minimum lot width.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (f)  
Density Transfer in LC District**

**(f) Density Transfer in LC District**

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (f)  
Density Transfer in LC District / (1) Purpose**

*(1) Purpose*

To both protect property rights and encourage the preservation of open space and environmentally sensitive areas, it is desirable to minimize the loss of value and utility occasioned by either a regulatory requirement to preserve open land on private property or by voluntary action to do so.

This division therefore allows a portion of a parcel that is classified in the LC Land Conservation District to attribute its development rights to the balance of the same parcel.

This will allow total quantitative development rights for number of dwelling units or amount of floor area to remain the same as they would be without the LC restrictions.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (f)  
Density Transfer in LC District / (2) Modification of Dimensional Requirements**

*(2) Modification of Dimensional Requirements*

**A. Lot Area and Width**

Land and water area located in the LC District may be counted together with land zoned in other districts on the same property for purposes of computing number of dwelling units or amount of floor area allowed on such other land.

Lot or building site areas and widths may be smaller than otherwise required in the applicable zoning district as provided in Table 1110F as modified by their minimums specified in division (f)(3).

**B. Building Height**

The Planning Director shall approve the smallest exception to maximum building height allowed herein that he or she determines necessary for the exercise of the rights created by Density Transfer.

Maximum building height approved hereunder within 100 feet of a property in a district other than the LC District shall not exceed the maximum building height allowed by that district except where the district boundary is along an arterial street or freeway.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (f)**

**Density Transfer in LC District / (3) Minimum Lot Dimensions**

***(3) Minimum Lot Dimensions***

Notwithstanding other provisions herein, no lot dimensions shall be less than as follows.

Lot area in square feet:

RA Districts, for single-family attached dwellings: 1,600

R Districts: all other cases: 4,500

Lot width in feet:

RA Districts, for single-family attached dwellings: 16

R Districts: all other cases: 40

**(4) Classification in the LC District**

**A. Means of Classification**

Property may be classified in the LC District in either of two ways.

1. Landowner-Initiated Zoning

The City Council may zone property LC upon request of, or with the consent of, the landowner(s), as provided in division (f)(5).

B. City-Initiated Zoning

The City Council may Zone property LC without the consent of the landowner only upon making a find-ing of fact that the property to be so classified is environmentally hazardous, sensitive, or of special value to the public, such as a flood plain, wetland, or steep slope.

**B. Lands Classified LC**

1. Flood Plains

Land and water areas located in Zone A as shown on the applicable Flood Insurance Rate Map of the Federal Emergency Management Agency are hereby classified in the LC Land Conservation District in the following areas:

a. Tuscarawas River

Along the Tuscarawas River from the north City limits to the south City limits

b. Wolf Creek

Along Wolf Creek from the north City limits to the south City limits

c. Hudson Run

Along Hudson Run from the south City limits to the west City limits.

2. Other Areas

Other environmentally hazardous or sensitive lands--such as wetlands, steep slopes, poor soils areas, or wooded sections--are also hereby classified in the LC District as follows:

(RESERVED)

3. Supersede Map Classification

The LC District classifications established herein supersede the zoning districts shown on the Zoning District Map except for Overlay Districts.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (f) Density Transfer in LC District / (5) Landowner-Initiated LC Zoning**  
*(5) Landowner-Initiated LC Zoning*

**A. Voluntary Use of District**

A developer wishing to develop a cluster subdivision or to otherwise voluntarily devote land to permanent public or common open space and transfer its density allowance to the balance of a parcel, may request classification of part of such parcel in the LC District.

The Planning Commission, Planning Director, or Park and Recreation Commission may recommend but not require that a property owner petition for such classification for land designated as open space in the Comprehensive Plan, Official Map, or Park System Plan adopted by the Park and Recreation Commission.

**B. Bonus Intensity**

Property not classifiable in the LC District on the basis of an environmental characteristic under division

(f)(4)B but voluntarily proposed for LC zoning by the property owner shall receive a bonus in the intensity of development permitted thereupon as provided in Table 1110F.

**C. Rezoning Criteria**

**Barberton Development Code**

For land having no environmental feature requiring preservation, the Planning Commission and City Council shall, in deciding whether to classify it in the LC District, take into account:

1. the interest of the Park and Recreation Commission or other public body in acquiring the property
2. the adequacy of any homeowners association or other arrangement for preserving perpetually as open space, and providing for the maintenance of, any land that is not to be dededicated to the public
3. the provision of adequate open space buffers bordering areas developed in, or if undeveloped, zoned for, a lower-density residential use than the land on the parcel that is not to be zoned LC.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (f) Density Transfer in LC District / (6) Non-LC Open Spaces**

***(6) Non-LC Open Spaces***

No Density Transfer hereunder shall be allowed from land required to be provided as a yard, lawn, landscaped area, stormwater detention or retention area, or other open space under any other regulation other than the provisions of the LC District.

**Please Note: To view the Density Transfer Graphic, see page 1110-4 of the printed version of the Barberton Development Code**

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (g) Street Yards for Infill Parcels**

***(g) Street Yards for Infill Parcels***

In lieu of the minimum front yard depths and corner side yard widths otherwise required in this chapter, the provisions of this division shall determine minimum front and corner side yard dimensions in any block in which the depths of 30 percent or more of the actual front and corner side yards vary from that required by other provisions of this chapter.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (g)**

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**Street Yards for Infill Parcels / (1) Interior Lots**

***(1) Interior Lots***

The minimum depth of the front yard on an interior lot shall be equal to the depth of the actual street yards on the abutting lots that front on the same street, if the depths of such yards are the same.

If the depths of such abutting yards are different, the minimum depth of the front yard on the subject lot shall be their mean average.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (g)  
Street Yards for Infill Parcels / (2) Corner Lots**

***(2) Corner Lots***

On a corner lot, the minimum depth of the front yard shall be equal to the depth of the actual front yard or width of the actual corner side yard on the abutting lot that abuts the front yard of the subject lot.

The minimum width of the corner side yard on a corner lot shall be equal to the depth of the actual front yard or width of the actual corner side yard on the abutting lot that abuts the corner side yard of the subject lot.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (g)  
Street Yards for Infill Parcels / (3) Vacant Abutting Lot**

***(3) Vacant Abutting Lot***

If there is no principal structure on an abutting lot or lots under divisions (1) and (2), there shall be substituted for the abutting lot the nearest lot on the same side of the subject lot within the same block face that accommodates a principal structure.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (h)  
Pedestrian Retail Area Downtown**

***(h) Pedestrian Retail Area Downtown***

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (h)  
Pedestrian Retail Area Downtown / (1) Purpose:**

***(1) Purpose:***

The provisions of this division are intended to accomplish the purposes specified below.

**Barberton Development Code**

A. To further public safety by mini-mizing pedestrian-vehicular conflicts in the traditional Downtown business area, which depends on pedestrian access

B. To preserve the suitability for comfortable pedestrian shopping of Downtown Barberton

C. To encourage the most efficient provision of new off-street parking for patrons and employees in a way consistent with the present character of the traditional Downtown.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (h) Pedestrian Retail Area Downtown / (2) Use Regulations**

*(2) Use Regulations*

**A. Sidewalk Level Uses**

1. Applicability

The regulations of this division (h)(2) shall apply to locations in buildings or on lots that:

- a. are in the C-D Downtown Commercial District, and
- b. if within a building, are on the first floor or sidewalk level, and
- c. are within 40 feet of the street line along Tuscarawas Avenue or Second Street N.W.

For buildings in which the floors closest to sidewalk level are either elevated above or depressed below such level, the applicant shall designate on his or her plans one of such floors to which these regulations shall apply.

2. Prohibited Uses

In locations specified in division (h)(2)A, the following uses shall be prohibited:

- a. Building-enclosed uses that are not oriented--in their use of signage, windows, building entrances, and the like--principally toward either Tuscarawas Avenue or Second Street N.W.
- b. Building-enclosed uses that do not have a public pedestrian entrance at the sidewalk level or, if approved by the Planning Director, at a level above or below the sidewalk level, on either Second Street N.W. or Tuscarawas Avenue
- c. Drive-through establishments, as defined herein
- d. Open sales lots, as defined herein, except for street vending areas as permitted in division (3)B1



e. Service stations and filling stations

f. Car washes

g. Vehicular areas, as defined herein, other than driveways, which shall be a Conditional Use.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (h) Pedestrian Retail Area Downtown / (3) Street Yards**

***(3) Street Yards***

**A. Setbacks Prohibited**

In the C-D District, building setbacks from the street line are not permitted abutting Tuscarawas Avenue or Second Street N.W.

**B. Exceptions**

1. Sidewalk Cafes and Street Vending Areas

a. Setback Allowed

Because sidewalk cafes and street vending contribute to the character of a pedestrian-oriented retail area, a building may be set back from the street line the minimum distance necessary in the judgment of the

Planning Director to allow the installation of a permanent outdoor sidewalk cafe or off-street area devoted to street vending carts or stands proposed by the applicant.

Such cafe or area shall itself not be set back from the street line.

b. Discontinuation

The sidewalk cafe or street vending area qualifying for the exception shall not be discontinued for more than 90 days other than for normal seasonal closures, closures in emergency situations, or repair or maintenance unless:

1. the operator thereof provides evidence to the Building Commissioner of intent to replace it within 180 days of such discontinuance with another facility of either type, or

2. its discontinuation is approved by the Board of Zoning and Building Appeals on the basis that continuation would impose undue hardship upon the operator or that because of changed conditions the cafe or street vending area no longer provides a significant public benefit.

2. Portions of Facades

Portions of the facade of a building, or of a storefront or other ground-level division thereof, that do not exceed 50 percent of the frontage thereof, such as building entrances or display windows, may be set back a maximum of 5 feet from the street line.

Portions of such additional setback that are not landscaped shall be surfaced with non-asphaltic hardsurfaced paving material.

3. Upper Stories

The requirements of division (3)A shall not apply to building stories or portions thereof above a building height of 12 feet.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (h) Pedestrian Retail Area Downtown / (4) Required Frontage Window Area  
(4) Required Frontage Window Area**

**A. Minimum Window Area**

No less than 60 percent of the area between building height levels of 2.5 feet and 7.5 feet on each ground floor building facade that faces Tuscarawas Avenue or Second Street N.W. shall be in windows and/or doors that are transparent when viewed from the street.

No such window or door shall be horizontally separated by more than 15 feet from the nearest other such window or door in the same facade.

**B. Coverage of Windows**

Ground floor windows and transparent doors along Tuscarawas Avenue and Second Street N.W. in existing and newly constructed buildings shall not be covered by signs or opaque window screening--such as draperies, shades, or blinds--that obscures from view of the public street more than 50 percent of the cumulative window and transparent door area in the facade between the height levels specified in division (4)A.

**C. Exceptions**

Entertainment uses, as defined herein, shall be exempt from the requirements of this division (h)(4).

The Planning Director may approve an exception to the requirements of this division (h)(4) for uses that provide for public pedestrian movement that bypasses Tuscarawas Avenue or Second Street N.W. if he or she determines such movement would not adversely effect the Downtown

business district.

**Please Note: To view the Required Frontage Window Area Graphic, see page 1110-7 of the printed version of the Barberton Development Code**

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (i) Transition Overlay Districts**

**(i) Transition Overlay Districts**

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (i) Transition Overlay Districts / (1) Purpose**

*(1) Purpose*

One of the obstacles to a desirable transition from one land use to another is the time and expense that can be associated with a petition for rezoning and the uncertainty of the outcome. This is especially the case in a fully developed city like Barberton, where land use changes can affect nearby properties to an greater degree than elsewhere. And when properties are rezoned in advance of need, existing uses are made nonconforming, a status that can discourage investment in maintenance and property improvement.

From time to time the City may desire nonetheless in selected areas to give special encouragement to land use transition and its attendant investment, development, and job creation, especially for larger-scale developments.

Transition Overlay Districts (TOD's) are intended to provide a way for the City to reduce the uncertainties associated with future land use changes without creating Nonconformities. TOD's are designed to facilitate and encourage particular land use transitions in selected areas by in effect rezoning in advance for a successor land use.

TOD's allow the City to grant additional as-of-right development rights to a property in advance of need, enhancing the development potential of particular sites in a way that avoids the uncertainties attendant to future decisions on rezoning and avoids the creation of Nonconformities.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (i) Transition Overlay Districts / (2) Establishment of TOD's**

*(2) Establishment of TOD's*

Any non-overlay zoning district established in this chapter may be established on a parcel as a Transition Overlay District (TOD). No more than one TOD shall be established on any parcel.

Such designation may be shown on the Zoning District Map as the name of the district (for example, O-2) followed by the letter "T" (for example, "O-2 T"). Such overlay district shall be interpreted as supplementing and not replacing the underlying zoning of the property. Procedures for establishment of a TOD on a property shall be as provided for Amendments in Section 1310.02.

Subject to the requirements of these regulations, a Transition Overlay District confers the right to develop or use a property under the regulations of the TOD in lieu of under the regulations of the underlying district on an as of right basis without the need for further amendment of the Zoning District Map.

The separate rights conferred by the TOD and by the underlying district are exclusive and not cumulative. The Certificate of Compliance shall be based on conformity with either the provisions of the underlying district or those of the Transition Overlay District.

Non-compliance with the requirements of a TOD before it is used in lieu of the underlying district shall not be considered a violation or a Nonconformity.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (i) Transition Overlay Districts / (3) Change in Underlying District**

*(3) Change in Underlying District*

When a particular zoning classification is established hereunder as an overlay on a property, such overlay is intended to be the sole means of adding the rights attendant to such classification to those already enjoyed by that property.

No application shall therefore be accepted under Section 1310.02, Amendments, to change the underlying zoning classification to the same classification currently established as the TOD. This restriction shall not be interpreted to prevent an application for a change in the underlying zoning to any other classification.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (i) Transition Overlay Districts / (4) Termination of Underlying Zoning**

*(4) Termination of Underlying Zoning*

At the time of issuance of a Certificate of Occupancy for a lot conforming to the regulations of a

TOD, the underlying zoning classification shall automatically cease.

The Building Commissioner shall remove such classification from the Zoning District Map at the next updating thereof and record the TOD as the new underlying zoning classification of the property.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (i) Transition Overlay Districts / (5) Conditions for Use of TOD**

**(5) *Conditions for Use of TOD***

No Certificate of Compliance shall be issued under provisions of a Transition Overlay District for any property unless the conditions specified in this division have been complied with.

**A. Parcel Size**

The parcel utilizing the TOD classification shall have dimensions not less than the following:

Area: 1.5 acres

Frontage: 250 feet

**B. Frontage Landscaping**

Notwithstanding any contrary provision of Table 1220B, all Frontage Buffers required under such Table shall be of at least Medium intensity, as defined in Table 1220C.

**C. Design Review**

To forestall land use conflicts in an area in land use transition and to further neighborhood compatibility in the absence of the normal rezoning hearing at the time development plans are prepared, the Planning Commission shall have determined that the specific use proposed under the TOD is visually compatible in its publicly visible appearance, as defined herein, with surrounding properties and adjacent public ways.

Such compatibility shall be determined based on item 2B of Table 1310J.

Filing requirements shall be as specified for Certificates of Appropriateness in Tables 1320B and 1320C. The approval procedures for such review shall be as specified in Chapter 1320 for such Certificates except that:

1. action shall be taken solely by the Planning Commission in lieu

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of by the Design Review Board, and

2. no public hearing shall be required, and
3. division 1320.02(g)(4), Negotiation Period, shall not apply.

(Ord. 148-1995. Passed 12-11-95.)

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.02 Special District Regulations / (j) DAO District**

**(j) DAO District**

Property classified in the DAO District shall conform to exterior architectural appearance standards adopted by City Council in conjunction with the adoption of an amendment classifying the property in this district.

(Ord. 119-1999. Passed 7-26-99.)

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.03 Residential Districts**

**1110.03 Residential Districts**

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.03 Residential Districts / (a) Purpose**

**(a) Purpose**

Residential Districts are intended to recognize, preserve, and protect the present character of Barberton's single- and two-family residential neighborhoods, to facilitate the development of new neighborhoods and infill housing, and to provide for a variety of housing types and densities to accommodate different age groups and lifestyles of City residents.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.03 Residential Districts / (b) Districts**

**(b) Districts**

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.03 Residential Districts / (b) Districts / (1) Single-Family Detached Residential Districts**

*(1) Single-Family Detached Residential Districts*

**A. RS-32 High-Density Single-Family Residential District**

This district is intended to provide for developments of manufactured or site-built detached dwellings that offer affordable higher-density housing not exceeding approximately 12 units per acre. Land in this District may be developed with Zero Lot Lines under 1250.03.

**B. RS-40 High-Density Single-Family Residential District**

This district is intended to provide for an exclusive single-family detached residential environment characterized by lots of the size most common in the City and densities not exceeding approximately 10 dwelling units per acre.

**C. RS-50 Medium-Density Single-Family Residential District**

This district is intended to provide for an exclusive single-family detached residential environment characterized by densities not exceeding approximately 6 units per acre.

**D. RS-70 Medium-Density Single-Family Residential District**

This district is intended to provide for an exclusive single-family detached residential environment characterized by densities not exceeding approximately 4 1/2 units per acre.

**E. RS-85 Low-Density Single-Family Residential District**

This district is intended to provide for an exclusive single-family detached residential environment characterized by densities not exceeding approximately 2 units per acre.

**F. RS-100 Low-Density Single-Family Residential District**

This district is intended to provide for an exclusive single-family detached residential environment characterized by very large lots and densities not exceeding approximately 1 1/2 dwelling units per acre.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.03 Residential Districts / (b) Districts / (2) Single-Family Attached Residential Districts**

*(2) Single-Family Attached Residential Districts*

**A. RA-16 High-Density Single-Family Attached Residential District**

This district is intended to:

1. provide a single-family housing choice for empty-nesters, young families, and others

who do not prefer a large house and lot, and

2. to facilitate transition between attached and multi-family housing by allowing attached dwellings and townhouses at densities of approximately 25 dwelling units per acre.

**B. RA-25 Low-Density Single-Family Attached Residential District**

This district is intended to:

1. provide a single-family housing choice for empty-nesters, young families, and others who do not prefer a large house and lot, and

2. to facilitate transition between detached and attached housing by limiting attached dwellings and townhouses to densities of approximately 15 dwelling units per acre.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.03 Residential Districts / (b) Districts / (3) Two-Family Residential Districts**

*(3) Two-Family Residential Districts*

**A. RT-40 High-Density Two-Family Residential District**

This district is intended to provide for a two-family detached residential environment characterized by lots of the size most common in the City and densities not exceeding approximately 20 dwelling units per acre.

**B. RT-50 Medium-Density Two-Family Residential District**

This district is intended to provide for a two-family detached residential environment characterized by densities not exceeding approximately 12 dwelling units per acre.

**C. RT-70 Low-Density Two-Family Residential District**

This district is intended to provide for a two-family detached residential environment characterized by densities not exceeding approximately 9 dwelling units per acre.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.03 Residential Districts / (b) Districts / (4) Multi-Family Residential Districts**

*(4) Multi-Family Residential Districts*

**A. RM-18 Low-Density Multi-Family Residential District**

This district is intended to facilitate transition between single-family and multi-family housing by limiting multi-family densities to the equivalent of approximately 18 two-bedroom dwelling



units per acre, a density comparable to the highest density allowed in RA or RT Districts.

**B. RM-30 Medium-Density Multi-Family Residential District**

This district is intended to provide locations for apartment development at densities not exceeding the equivalent of approximately 30 two-bedroom dwelling units per acre.

**C. RM-50 High Density Multi-Family Residential District**

This district is intended to provide locations for apartment development at densities not exceeding the equivalent of approximately 50 two-bedroom dwelling units per acre.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.03 Residential Districts / (c) District Regulations**

**(c) District Regulations**

Regulations for Residential Districts shall be as established in Tables 1110B, 1110C, and 1110E of this chapter and Tables 1130A and 1130B of Chapter 1130, Allowable Uses.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.04 Business Districts**

**1110.04 Business Districts**

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.04 Business Districts / (a) Purpose**

**(a) Purpose**

Business districts are intended to:

1. provide appropriate environments for different kinds of businesses
2. protect less intensive land uses from any adverse effects from such businesses, and
3. maintain the City's jobs and tax base by protecting business areas from encroachment by residential or other incompatible uses.

Although these districts may allow residential uses, they are not intended to offer a residential environment protected from adverse effects of business activity.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.04 Business Districts / (b) Districts**

**(b) Districts**

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.04 Business Districts / (b) Districts / (1) Office Districts**

*(1) Office Districts*

**A. O-1 Neighborhood Office District**

This district is intended to provide locations in the City's neighborhoods for smaller office buildings on smaller sites housing low traffic-generating uses. It is intended for:

1. locations that can serve as a transition or buffer area between residential and more intensive retail, office, or industrial uses
2. major street frontage locations not suited for retail
3. other higher-value locations not compatible with high-traffic retail development or with industrial use, and
4. locations that are otherwise not suited for residential or for more in-intensive business development.

**B. O-2 Office Center District**

This district is intended to provide locations for larger office buildings or complexes of buildings that attract considerable traffic from employees and visitors from a broad area.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.04 Business Districts / (b) Districts / (2) Commercial Districts**

*(2) Commercial Districts*

**A. C-1 Convenience Commercial District**

This district is intended to provide very close-to-home locations for small areas accommodating the most frequently patronized consumer retail and service establishments that provide convenience goods and services. It is intended for businesses that will draw mainly from the immediately surrounding neighborhood but not from a broad area.

**B. C-2 Neighborhood Commercial District**

This district is intended to provide moderately close-to-home locations for frequently patronized consumer retail and service establishments that provide convenience goods and services and a limited selection of comparison goods. It is intended for businesses that draw patrons mainly from nearby neighborhoods but not from a broader area.

**C. C-3 Community Center Commercial District**

This district is intended to provide locations for a broad selection of comparison shoppers goods and services in centralized and highly accessible locations that serve entire sections of the City and, in some cases, communities outside the City.

**D. C-4 Highway Commercial District**

This district is intended to provide locations along the City's arterial streets for usually less frequently patronized establishments providing goods and services to businesses and consumers that either do not require or are not suited for prime locations in concentrated consumer retail centers.

It is also intended to encourage most consumer-oriented retail and service businesses to locate in concentrated convenience, neighborhood, or community center areas or Downtown rather than to scatter along highway corridors. The District is therefore not cumulative with any other C District.

**E. C-D Downtown Commercial District**

This district is intended to provide an area for high-intensity pedestrian-oriented shopping and services in the older portions of Downtown Barberton.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.04 Business Districts / (b) Districts / (3) Industrial Districts**

**(3) Industrial Districts**

**A. I-1 Light Industrial District**

This district is intended to provide locations for low-nuisance industrial uses. It is intended for areas where such uses presently predominate or where heavier industrial uses would be objectionable because of proximity to residential or other more restricted uses.

**B. I-2 Medium Industrial District**

This district is intended to provide locations for industrial uses that typically produce greater adverse environmental effects than uses allowed in I-1 but lesser effects than uses allowed only in I-3. It is intended for locations where such uses presently exist or where there is or will be sufficient separation or buffering from residential or other more restricted uses.

**C. I-3 Heavy Industrial District**

This district is intended to provide locations for higher-nuisance and high-hazard industrial uses, that, despite objectionable environmental effects, are an important part of the economy of the City of Barberton. It is intended for areas where such uses are already established or where they would be buffered or separated from more restricted uses.

**D. I.U. Special Industrial District**

This district is intended to provide for selected small light industrial businesses that can be accommodated on small lots that do not abut Residential Districts.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.04 Business Districts / (c) District Regulations**

**(c) District Regulations**

Regulations for Business Districts shall be as established in Tables 1110D and 1110E of this chapter and Tables 1130C, 1130D, 1130E, and 1130F of Chapter 1130, Allowable Uses.

(Ord. 148-1995. Passed 12-11-95; Ord. 119-1999. Passed 7-26-99.)

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.05 Other Districts**

**1110.05 Other Districts**

**(a) Purpose**

Special land use situations all for zoning classifications other than the traditional residential, commercial, office, and industrial districts.

This section establishes special purpose zoning districts to be used in addition to the districts established in Sections 1110.03 and 1110.04.

**(b) Districts**

(1) Underlying Districts

A. AE Agriculture and Estate District

This district is intended for outlying locations the City annexes that are inappropriate for, or not yet ready for, urban development or that lack public sewer and water. It is intended to provide an environment for farming and for rural residential living.

B. LC Land Conservation District

This district is intended to protect development from environmental hazards such as flood plains or poor soils, to preserve environmentally valuable areas from impairment by urban activities, to encourage provision of open space, and to accomplish all of the foregoing in a way that minimizes adverse impact on private property rights.

(2) **Overlay Districts**

A. PO Preservation Overlay District

This district is intended for the purpose of requiring design review in areas and on properties that have special historic, architectural, cultural, or related significance that merits protection from changes that would seriously impair that significance.

B. AO Amortization Overlay District

This district is intended to promote the more rapid upgrading of selected older areas of town to the higher

development standards established by this Code where upgrading is

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warranted by the visibility of an area, by its importance in influencing public perceptions of the City, or by the desire of property owners in the area for such upgrading.

The AO District is intended to be mapped where Nonconformities constitute a nuisance or as otherwise allowable under state law.

Nonconforming properties in the AO District are required to remove Nonconformities within a period of time as specified in Chapter 1340.

**C. TNO Traditional Neighborhood Overlay District**

This district is intended to foster the development of Traditional Neighborhood Development in either existing or newly developing areas of Barberton in order to:

1. Offer an alternative living environment for newly developing areas of Barberton and Summit County.

2. Encourage well-defined neighborhoods with concentrated centers of activity in each.

3. Promote the more efficient use of land and the provision of common neighborhood open spaces made possible thereby.

4. Encourage energy conservation, the reduction of air pollution, and social interaction by allowing short neighborhood trips to be more easily made by walking or bicycling.

**D. DAO Derivative Architecture Overlay District**

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The district is intended for use where the public welfare requires the creation of a uniform faux-historic aesthetic that is unlikely to be achieved by reliance on prevailing contemporary architectural practice, building technology, or consumer preferences. The mapping of the district is not intended to be contingent on the existence in the surrounding area of authentic historic buildings exhibiting the appearance mandated.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.05 Other Districts / (c) District Regulations**

**(c) District Regulations**

Regulations for Other Districts shall be as follows:

- (1) AE District: Table 1110B  
Table 1110E  
Table 1110F  
Table 1130A  
Table 1130B
- (2) LC District: 1101.02(f)  
Table 1130A  
Table 1130B
- (3) PO District: 1310.02(c)  
Table 1310B  
Section 1310.08  
Table 1310J
- (4) AO District: Chapter 1340.
- (5) TNO District: Section 1110.06
- (6) DAO District: 1110.02(j)

(Ord. 148-1995. Passed 12-11-95; Ord. 119-1999. Passed 7-26-99.)

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.06 TNO Traditional Neighborhood Overlay District**

**1110.06 TNO Traditional Neighborhood Overlay District**

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.06 TNO Traditional Neighborhood Overlay District / (a) Regulations for TNO Districts**

**(a) Regulations for TNO Districts**

Properties classified in the TNO Traditional Neighborhood Overlay District shall be regulated by the regulations of the underlying zoning district(s), any other overlay district, and applicable provisions of other sections of this Code and by:

1. a Traditional Neighborhood Development (TND) Plan approved under 1110.06(c) that includes such properties, or
2. the requirements of division 1110.06(b), which are mandatory if there is no such Plan and optional if there is such a Plan.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.06 TNO Traditional Neighborhood Overlay District / (b) Regulations for Areas Without TND Plans**

**(b) Regulations for Areas Without TND Plans**

1. Pedestrian Retail Areas

Areas classified in any C District within the TNO Overlay District shall be subject to the requirements for pedestrian retail areas in 1110.02(h), except that:

- A. provisions therein the applicability of which is restricted to the C-D District shall apply in any C District, and
- B. provisions therein the applicability of which is restricted to Tuscarawas Avenue or Second Street N.W. shall apply along all streets within any C District.

2. Parking and Loading

- A. Counting of Off-Street Spaces



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Off-street parking required in the TNO Overlay District shall be the number of spaces required by Section 1210.04 less the number of on-street spaces counted as one space per 20 feet of street frontage abutting the lot along which parking is permitted.

**B. Multi-User Parking**

In lieu of all or any part of the number of off-street parking spaces required in a C or O District, there may be provided multi-user off-street parking areas of financial support therefor under 1210.04(c)(3).

**C. Location of Parking Spaces**

Location of off-street parking shall be as provided in 1210.06(c)(1).

**D. Loading**

Off-street loading required in the TNO Overlay District shall be as required in Section 1210.08 less any loading spaces provided adjacent to the lot in an alley.

Off-street loading shall not be located in any actual front or corner-side yard.

**E. Maximum Number of Spaces**

No non-single-family residential use shall provide parking or loading spaces in excess of the numbers required herein except as multi-user parking or as approved as a Variance under 1310.03(a).

**3. Streets and Blocks**

**A. Street Standards**

To provide for safe traffic movement and access by emergency vehicles, streets in the TNO District shall conform to the standards of Section 1240.02.

**B. Standards Are Maximums**

No street shall exceed dimensions specified in Section 1240.02 for the applicable functional street type.

**C. Sidewalks**

Sidewalks shall be provided conforming to the requirements of 1240.09(e).

**D. Blocks**

Maximum block length shall be 800 feet.

4. Open Space

A. Provisions

Public or common open space shall be dedicated to the City or a homeowners association totaling no less than 5 percent of the gross site area of the property.

B. Large Central Space

Open space provided shall include at least one open space one acre or greater in size. Such open space shall be located within 1,350 feet of all residential lots or building sites unless an existing public or common open space is already located within such distance.

5. Land Uses

Within the TNO Overlay District, any property or area may be simultaneously classified in multiple underlying Residential, Business, and/or Other Districts. A lot or building site so classified may at its owner's option be used under the regulations of any one of the underlying districts in which it has been classified, but no lot or building site shall be regulated by more than one such district.

6. Architectural Control

In those traditional neighborhood Development areas where it is determined to be in the public interest to replicate the architectural features of historic neighborhoods, property may be classified in the DAO Overlay District in addition to the TNO classification.

7. Other Regulations

Properties to which division (b) applies shall conform to the requirements of Table 1110G.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / 1110.06 TNO Traditional Neighborhood Overlay District / (c) Regulations for Areas with TND Plans**

**(c) Regulations for Areas with TND Plans**

1. TND Plans

A. Eligibility

A Traditional Neighborhood Development (TND) Plan may be prepared for any area that:

1. Consists of no less than 10 acres of land, and
2. Has no less than 60 percent of its area classified in the AE District and/or any

Residential District(s).

**B. Timing of Plan Preparation**

Such a Plan may be prepared prior to, and have no immediate connection with, a filing for a development Approval under this Code.

**C. Property Owner of City May Prepare Plan**

The TND Plan may be prepared by:

1. The party or parties owning or otherwise controlling the property, or
2. The City.

**D. Contents of Plan**

The TND Plan shall consist of all drawings and data normally required to demonstrate compliance with the provisions of this Code such as land uses, lot dimensions, street standards, parking provision, and the like except as provided in division (c)1G.

The TND Plan may incorporate by reference any provision of this Code.

The provisions of a TND Plan prepared by the City shall not exceed the authority of the City to regulate development under the enabling legislation specified in 1100.01(b).

**E. Approval of TND Plan**

To be valid under these provisions, the TND Plan must be approved by the City Planning Commission and City Council under provisions for approval of Preliminary Site Plans for Planned Unit Developments in Chapter 1320, except that no recording shall be required.

No TND Plan shall be approved unless City Council makes a Finding of Fact that the Plan conforms to the Approval Criteria of Table 1110H.

**F. Departures from Code Requirements**

Other than as provided in Table 1110G, every provision of the TND Plan that is less restrictive or establishes a lower standard than the otherwise applicable provision of the Code shall be accompanied by a full narrative explanation of:

1. The way in which such particular provision supports one or more of the Approval Criteria of Table 1110H, and
2. The reasons significant adverse effects on land use, transportation, and public facilities

are unlikely to result therefrom.

This narrative shall be considered a part of the Plan.

**G. Code Otherwise Applicable**

The TND Plan may omit any development detail regulated by this Code or required to be shown on a plat or Site Plan. In such case, any item for which there is a provision on this Code but no specific provision in the Plan shall be subject in that particular to Table 1110G and the otherwise applicable requirements of this Code.

Where a Plan provision for one item conflicts with an applicable Code provision for another item not specified in the Plan, a petitioner may request relief from either provision as a Variance under 1310.03(a).

**H. Amendment for TND Plan**

An adopted TND Plan may be amended as provided in 1320.02(h), except that no recording of the amended Plan shall be required.

**2. Effect of TND Plan**

**A. Submissions for Development Approvals**

A preliminary plat, site plan, or preliminary site plan for a planned unit development may be filed for any property or portion thereof for, which there is an adopted TND Plan.

The petitioner may request approval of such submission under either:

1. The provision of the TND Plan and 1110.06(c)1G, or
2. The requirements of:
  - a. division 1110.06(b), and
  - b. the applicable underlying zoning district(s), and all other applicable

provisions of this Code.

**B. Approval of Plan-Complying Submission**

If the petitioner has requested approval under the TND Plan, the Building Commission shall determine whether such submission is in full compliance with the Plan and with any, there is no specific provision in the Plan.

If he or she determines the submission is in complete compliance, he or she shall approve the submission. No public hearing or approval by any review body shall be required for such approval

unless there is a departure of the submission from the TND Plan or applicable code provision.

C. Approval of Non-Complying Submission

Any non-compliance with such Plan or provision of a filing submitted for approval under the TND Plan may be approved only under normal provisions for Variance, Special Exceptions, Planned Unit Developments, or other applicable Development Approvals under Chapter 1310.

(Ord. 119-1999. Passed 7-26-99.)

**Title 2 : Zoning / Chapter 1110 Zoning Districts / Table 1110A: Development Regulations**

**Table 1110A: Development Regulations**

<u>Regulations</u>	<u>As Provided In:</u>
<u>1. USE Regulations:</u>	
RESIDENTIAL Districts	Tables 1130A, 1130B
BUSINESS Districts	Tables 1130C, 1130D, 1130E, and 1130F
OTHER Districts	Tables 1130A, 1130B
<u>2. DIMENSIONAL Regulations:</u>	
RESIDENTIAL Districts	Tables 1110B, 1110C, 1110E, and 1110F
BUSINESS Districts	Tables 1110D, 1110E, and 1110F
OTHER Districts	1110.05(c)
<u>3. OTHER Regulations:</u>	
DESIGN REVIEW	Section 1310.08
PARKING & Loading	Chapter 1210, Parking, Loading & Vehicular Areas
LANDSCAPING & Screening	Chapter 1220, Landscaping & Screening
SIGNS	Chapter 1230, Sign Regulations
Other ACCESSORY USES	Chapter 1140, Accessory Uses and Yards

STREETS and Alleys	1240.09(d) and (e) Section 1240.02
LOTS & Blocks	Section 1240.03
RESERVATIONS & Dedications	Section 1240.04
EASEMENTS	Section 1240.05
OPEN SPACE	Section 1240.06  1110.02(g)
NATURAL FEATURES	Section 1240.07  Chapter 1260, Flood Plains  1110.02(g)
IMPROVEMENTS	Section 1240.09
UTILITIES	1240.09(f)
OTHER Regulations	Section 1110.02  Chapter 1250, Special Use Regulations

**Title 2 : Zoning / Chapter 1110 Zoning Districts / Table 1110B: Dimensional Requirements for Single- and Two-Family and Agricultural Districts**

**Table 1110B: Dimensional Requirements for Single- and Two-Family and Agricultural Districts**

Single-Family Detached

	<u>RS32</u>	<u>RS40</u>	<u>RS50</u>	<u>RS70</u>	<u>RS85</u>	<u>RS100</u>	<u>AE</u>
<b><u>LOTS or Building Sites</u></b>							
Average [a]							
Minimum AREA in Square Feet [b]:	3,600	4,500	7,500	10,000	20,000	30,000	90,000

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Average [a] Minimum WIDTH in Feet	32	40	50	70	85	100	200

**INTENSITY**

Maximum BUILDING HEIGHT in Feet:	35	35	35	35	35	35	35
Maximum LOT COVERAGE in Percent:	50	35	35	35	35	35	35

**OTHER**

[e][f]

**Attached [g]**

**Two-Family**

<u>RA16</u>	<u>RA25</u>	<u>RT40</u>	<u>RT50</u>	<u>RT70</u>
-------------	-------------	-------------	-------------	-------------

**LOTS or Building Sites**

Average [a] Minimum AREA in Square Feet [b]:	1,750 [h]	3,000 [h]	4,500	7,500	10,000
Average [a] Minimum WIDTH in ft.	16 [h]	25 [h]	40	50	70

**INTENSITY**

Maximum BUILDING HEIGHT in Feet:	35	35	35	35	35
Maximum LOT COVERAGE in Percent:	70	50	35	35	35

**OTHER**

*See notes below. See Table 1110E for yard requirements.  
There are no dimensional requirements for the LC District.*

**Title 2 : Zoning / Chapter 1110 Zoning Districts / Table 1110C: Multi-Family District Dimensional Requirements [g] [i]**

**Table 1110C: Multi-Family District Dimensional Requirements [g] [i]**

	<u>RM18</u>	<u>RM30</u>	<u>RM50</u>
<b><u>LOTS or Building Sites</u></b>			
Minimum AREA in Square Feet [b]:	--	--	--
	--	--	--
Minimum WIDTH in Feet	--	--	--

**INTENSITY**

Minimum LOT AREA per Dwelling Unit:

Efficiency Unit	1,090	660	395
1-Bedroom Unit	1,405	855	510
2-Bedroom Unit	2,420	1,450	870
3-Bedroom Unit	3,350	2,075	1,280
Larger Units	3,960	2,420	1,405

Maximum BUILDING HEIGHT in Feet:

Within 50 feet of RS, RT, or RA District:	35	35	35
Elsewhere:	35	50	90

Maximum LOT COVERAGE in Percent: 50 60 70

*See notes below. See Table 1110E for yard requirements.*

**Title 2 : Zoning / Chapter 1110 Zoning Districts / Table 1110D: Business District Dimensional Requirements**

**Table 1110D: Business District Dimensional Requirements**

	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>C-D</u>	<u>O-1</u>	<u>O-2</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>I-U</u>
<b>LOTS or Building Sites</b>											
AREA in Square Feet [b]:											
Minimum:	--	--	--	--	--	--	--	--	--	--	--
Maximum:	15,000	--	--	--	--	25,000	--	--	--	--	--
WIDTH in Feet:											
Minimum:	--	--	--	--	--	--	--	100	100	100	20



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Maximum: 100 -- -- -- -- 100 -- -- -- -- --

**INTENSITY**

FLOOR AREA

RATIO: [d]

Minimum: -- -- -- -- 2.0 -- -- -- -- --  
 Maximum: 1.0 2.0 2.0 1.0 4.0 1.0 3.0 2.0 2.0 2.0 2.0

BUILDING

HEIGHT

in Feet:

Minimum: -- -- -- -- 20 -- -- -- -- --  
 Maximum: 35 35 50 35 50 35 50 50 50 50 14  
 Within 50 feet  
 of RS, RT, or  
 RA District: 35 35 35 35 35 35 35 35 35 35

LOT COVERAGE

in Percent:

Minimum: -- -- -- -- -- -- -- -- -- -- --  
 Maximum: -- -- -- -- -- -- -- -- -- -- --

*See notes below. See Table 1110E for yard requirements.*

**Title 2 : Zoning / Chapter 1110 Zoning Districts / Table 1110E: Yard Requirements**

**Table 1110E: Yard Requirements**

Front Yard [j][k]	Corner Side Yard [j][k]	Interior Side Yard [j][l][o]	Rear Yard [j][l]
----------------------	----------------------------	---------------------------------	---------------------

**A. Minimum Depth Required:**

1. Percent of Lot Depth:

a. In AE and R Districts	<b>10 %</b>	--	--	<b>25 %</b>
b. In C-D District	<b>0 %</b>	--	--	<b>0 %</b>
c. In All Other Districts:				
Abutting Protected Districts [c] [q]	<b>10 %</b>	--	--	<b>25 %</b>

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In All Other Locations	<b>10 %</b>	--	--	<b>0 %</b>
2. Largest Depth Required in Feet [m]				
	20	--	--	40
3. Smallest Depth Required in Feet [m]				
<u>a. Abutting Protected Districts [c] [q]:</u>				
In RM, O, and C-1 Districts	[n]	--	--	20
In I-3 District	[n]	--	--	40
In All Other C and I Districts	[n]	--	--	30
<u>b. In All Other Locations:</u>				
In AE and R Districts	[n]	--	--	20
In All Other Districts	[n]	--	--	--
<u>B. Maximum Depth Allowed in Feet:</u>				
1. In C-D District [p]	0	--	--	--
2. In All Other Districts	--	--	--	--

C. Minimum Width Required:

1. Percent of Lot Width:

a. In AE and R Districts	--	<b>20 %</b>	<b>10 %</b>	--
b. In C-D District	--	<b>0 %</b>	<b>0 %</b>	--
c. In All Other Districts:				
Abutting Protected Districts				
[c] [q]	--	<b>20 %</b>	<b>10 %</b>	--
In All Other Locations	--	<b>20 %</b>	<b>0 %</b>	--

2. Largest Width Required in Feet [m] -- 20 40 --

3. Smallest Width Required in Feet [m]:

a. Abutting Protected Districts [c] [q]:

In RM, O, and C-1 Districts	--	[n]	10	--
In I-3 District	--	[n]	40	--
In All Other C and I Districts	--	[n]	20	--

b. In All Other Locations:

In AE and RM Districts	--	[n]	10	--
In All Other R Districts	--	[n]	5	--
In All Other Districts	--	[n]	--	--

D. Maximum Width Allowed in Feet:

1. In C-D District [p]	--	0	--	--
2. In All Other Districts	--	--	--	--

**Please Note: To view the following graphics: *Positioning of House on Lot and Required Yards: Single- and Two-Family Residential*, see page 1110-19 of the printed version of the Barberton Development Code**

**Title 2 : Zoning / Chapter 1110 Zoning Districts / Notes for Tables 1110B - 1110E**

**Notes for Tables 1110B - 1110E**

Requirements of Tables 1110B and 1110C apply to residential uses. For requirements for non-residential uses in Residential Districts, see 1110.02(d).

Requirements apply to lots or building sites, as de-fined herein. Exceptions may be approved as PUD's under 1310.06.

Site Plan Review is required for site condominiums, site cooperatives, and land-lease developments, all as defined herein, and for other properties with more than one principal building on a lot. See Section 1310.07.

[a] See 1110.02(e), Lot Size Averaging.

[b] For lots without public sewer, see 1110.02(c).

[c] Protected Districts

Abutting an RM District: RS, RT, and RA Districts are Protected Districts.

Abutting a C, O, or I District: all R Districts are Protected Districts.

Abutting an RS, RT, RA, AE, or LC District: there are no Protected Districts.

[d] Floor Area Ratio requirements apply to both non-residential and multi-family residential uses in those districts in which multi-family is permitted. A building may have either non-residential or mul-ti-family residential uses, or both, totalling up to the maximum Floor Area Ratio.

[e] No subdivision or other development in the RS-32 District shall consist of less than 25 lots, building sites, or dwelling units.

[f] Buffering between RS-32 and other Residential Districts shall be as provided in Chapter 1220.

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[g] Single-family detached and two-family detached dwellings in RA and RM Districts shall meet all requirements for such dwellings of the least restrictive RT District.

[h] For single-family attached dwellings only. For multiple townhouses on a single lot, equivalent lot area and lot width shall be required per dwelling unit. For detached dwellings, see notes [g] and [i].

Lots less than 30 feet wide may require access from an existing or new alley if they have garages in order to comply with the limitations on front yard coverage by parking in 1210.06(c)(2)A.

[i] Townhouses and single-family attached dwellings in RM Districts shall meet all requirements for such dwellings of the least restrictive RA District.

[j] Yards for Tall Buildings

To the figure derived from calculations in the table add one foot of upper-story setback for every 3 feet of building height over 35 feet (where maximum building height restriction permits such heights). Such extraordinary setbacks shall be required only at the applicable height levels.

[k] Garage Street Setback

Notwithstanding other provisions herein, a garage shall be set back no less than 20 feet from the street right-of-way onto which it has access. See also next footnote [k].

[k] Infill Setbacks

Division 1110.02(g), Street Yards for Infill Parcels, may impose a requirement that is either greater or lesser than provided in this table.

[l] For exceptions to interior side and rear yard requirements, see 1250.03, Zero Lot Line.

[m] "Largest Depth (Width) Required" signifies that no yard of the specified type shall be required under this table to be larger than the figure indicated--even if the percentage calculation in A1 or C1 yields a larger yard requirement--except for buildings over 35 feet in height (see note [j]).

"Smallest Depth (Width) Required" signifies that no yard of the specified type shall be smaller than the figure indicated, even if the percentage calculation in A1 or C1 yields a smaller requirement.

[n] Minimum Street Yards

shall be as follows for street classifications as defined in the Barberton Comprehensive Plan:

Minor Streets:	5 feet
Collector Streets:	10 feet

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Arterial Streets:	20 feet
Freeways:	0 feet
Tuscarawas Ave. & Second St. NW in C-D District	0 feet.

[o] Interior side yard requirements shall not apply where a dwelling unit is attached to another unit at the side lot line.

[p] Applies only abutting Tuscarawas Avenue and Second Street N.W.

[q] Except abutting lots in Protected Districts housing uses that are identical or similar in the judgment of the Building Commissioner to the subject use. Larger yards would not be needed for an O1-zoned church next to another church zoned RS50.

Encroachments into required yards shall be permitted only as provided in Chapter 1140.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / Table 1110F: Computation of Density Transfer from LC District**

**Table 1110F: Computation of Density Transfer from LC District**

*The calculations in this table shall determine the development intensity allowable, and minimum lot area per dwelling unit and lot width required, on a parcel when density is transferred from LC-zoned land to the balance of the property.*

1. Calculate an assumed net site area (excluding streets) for the entire parcel.

*For single- and two-family residential:*

$$\text{NSAP} = 0.8 \times \text{GSAP} \quad [\text{a}]$$

*For all other development:*

$$\text{NSAP} = 0.9 \times \text{GSAP} \quad [\text{b}]$$

2. Calculate the amount of development (dwelling units or floor area) allowed on the parcel.

*For residential development:*

$$\text{DU} = \text{NSAP} / \text{MLA} \quad [\text{c}]$$

*For non-residential development:*

$$FA = NSAP / FAR \text{ [c]}$$

Steps 3 - 5 apply to residential development only:

3. Calculate the actual net site area (excluding streets) of the developable land outside the LC District.

$$NSAD = GSAD \times ( 1 - PSA )$$

4. Calculate the reduced minimum lot area per dwelling unit [d] requirement.

$$RLA = NSAD / DU$$

5. Calculate the reduced minimum lot width [d] requirement.

$$RLW = MLW \times ( RLA / MLA ) \text{ [c]}$$

Steps 6 - 9 apply only when applicant has petitioned for rezoning to LC District under 1110.02(g)(5).

6. Calculate the amount of the landowner initiative bonus.

$$B = .20 \times PLC$$

7. Calculate the amount of development (dwelling units or floor area) allowed on the parcel with the bonus.

$$DUB = DU \times ( 1 + B )$$

$$FAB = FA \times ( 1 + B )$$

8. Calculate the reduced minimum lot area per dwelling unit [d] requirement.

$$RLAB = RLA \times ( 1 - B )$$

9. Calculate the reduced minimum lot width [d] requirement.

$$RLWB = RLW \times ( 1 - B )$$

**Title 2 : Zoning / Chapter 1110 Zoning Districts / Table 1110F: Computation of Density Transfer from LC District / Notes for Table 1110F**

**Notes for Table 1110F**

x : Multiplied by

- : Less (subtraction)

/: Divided by

[a] The 0.8 figure is based on an assumed typical 20 percent of land in streets in a conventional development without Density Transfer.

[b] The 0.9 figure is based on an assumed typical 10 percent of land in streets in a conventional development without Density Transfer.

[c] 1. The zoning district applying to all property abutting the LC District shall be used to determine MLA, FAR, and MLW. If more than one district abuts the LC District, the district abutting the largest part of the border of the LC District shall be used.

2. GSAP, NSAP, GSAD, and NSAD shall apply only to the portion of the parcel located in the district used in the computations in [c]1, above. Density in the remainder of the property shall be computed in the normal manner specified by district regulations.

[d] Shall not be less than provided in 1110.02(f)(3).

B: Landowner initiative bonus, expressed in decimal.

DU: Number of dwelling units allowed after Density Transfer.

FA: Floor area in square feet allowed after Density Transfer.

FAB: Floor area in square feet allowed after Density Transfer and landowner initiative bonus.

FAR: Maximum Floor Area Ratio allowed by the zoning district specified in note [c].

GSAD: Gross site area in square feet of developable land located outside of the LC District.

GSAP: Gross site area in square feet of the entire parcel.

LCA: Land area in square feet in the LC District.

MLA: Minimum lot area per dwelling unit in square feet required by the zoning district specified in note [c].

MLW: Minimum lot width in feet required by the zoning district specified in note [c].

NSAD: Net site area in square feet (excluding streets) of the developable land located outside the LC District.

NSAP: Net site area in square feet (excluding streets) of the entire parcel.

PLC: Percentage (in decimal) of land area zoned LC that was so zoned by landowner petition.

PSA: Percentage (in decimal) of land devoted to streets.

RLA: Reduced lot area per dwelling unit in square feet required after Density Transfer.

RLAB: Reduced lot area per dwelling unit in square feet required after Density Transfer and landowner initiative bonus.

RLW: Reduced lot width in feet required after Density Transfer.

RLWB: Reduced lot width in feet required after Density Transfer and landowner initiative bonus.

**Title 2 : Zoning / Chapter 1110 Zoning Districts / Table 1110G: TND Dimensional, Yard, and Use Requirements**

**Table 1110G: TND Dimensional, Yard, and Use Requirements**

Lots or Building Sites	RS, RA, RT Districts	RM Districts	C, O & I Districts
Average maximum AREA in square feet:	125%	--	--
Average maximum WIDTH in feet:	115%	72	72
<b>Intensity</b>			
Minimum BUILDING HEIGHT in feet:	--	70%	70%
Minimum LOT COVERAGE in percent:	--	70%	70% [a]
Maximum LOT AREA per dwelling unit:	--	120%	40% [b]
Minimum FLOOR AREA RATIO:	--	--	60%
<b>Yards</b>			
Maximum FRONT YARD depth:	6, 12, 18 [c]	6	6
Maximum CORNER SIDE YARD width in feet:	6, 8, [d]		6
Maximum INTERIOR SIDE YARD width in feet:	6	6	0
<b>Uses</b>			
Prohibited USE GROUPS:			
Permitted Uses:	--	4, 5, 6	--
Conditional Uses:	--	--	--



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These requirements are in addition to and do not supersede the requirements of Tables 1110B, 1110C, 1110D, and 1110E and other applicable provisions of this Code. Where the requirements of this table conflict with the requirements of the aforementioned tables or other provisions of this Code, the requirements of this table shall govern. Where a minimum requirement elsewhere in this Code exceeds a maximum specified herein, the figure herein shall also be considered as the minimum.

Percentages standards specified herein are, except where otherwise indicated, percentages of the corresponding development standards in Tables 1110B, 1110C, 1110D, and 1110E. Note that the requirements of this table are opposites of the requirements in the aforementioned tables. This table establishes maximums for standards the other tables set minimums for and minimums the other tables set for maximums. Standards not specified as percentages are in the unit of measure indicated.

- [a] In Industrial Districts, 14 feet.
- [b] This percentage applies to the area of the lot or building site rather than to the maximum coverage requirements of this Code. There are no maximum coverage requirements of this Code. There are no maximum lot coverage requirements for Business Districts in Table 1110D.
- [c] 18 feet in RS-70 and RT-70, 12 feet in RS-50 and RT-50, 6 feet in all other RS, RT, and RA Districts.
- [d] 18 feet in RS-70 and RT-70, and 6 feet in all other RS, RT, and RA Districts.

## Title 2 : Zoning / Chapter 1110 Zoning Districts / Table 1110H: Approval Criteria for TND Plans

### Table 1110H: Approval Criteria for TND Plans

#### 1. Efficient Use of Land

An economical use of land is achieved without undue crowding.

#### 2. Pedestrian-Friendly Environment

The arrangement of buildings, streets, blocks, and land uses serves to facilitate and encourage local trips by foot or bicycle.

#### 3. Orientation to Public Streets

A proximity of land uses, buildings, and doors and windows to-and their orientation toward rather than away from-public streets serves to encourage more secure, better frequented, and livelier public areas.

#### 4. Vehicular Areas Subordinated

The size and visibility of vehicular areas, as defined herein, from public streets, serves to encourage more secure, better frequented, and livelier areas.

#### 5. Neighborhood Focal Points

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Open spaces and convenience or neighborhood commercial areas can serve as focal points and gathering places for surrounding residential areas.

### 6. Clustering of Non-Single-Family Uses

Non-single-family residential land uses tend to be clustered at a limited number of centers of activity within the development.

### 7. Progression of Densities

Residential densities generally show a progressive reduction with increasing distance from centers of activity.

### 8. Continuity of Circulation

Street systems facilitate a continuity of circulation through all parts of a residential neighborhood.

### 9. Standards Altered Only to Achieve TND Character

Any provision of the Plan that specified either a lower standards or a higher standards than established elsewhere by this Code or that removes from or adds to Code requirements is necessary to achieve conformity with the other Approval Criteria herein.

(Ord. 148-1995. Passed 12-11-95; Ord. 119-1999.

Passed 7-26-99.)

## Title 2 : Zoning / Chapter 1130 Allowable Uses

# Chapter 1130 Allowable Uses

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## Title 2 : Zoning / Chapter 1130 Allowable Uses / 1130.01 General Regulations

### 1130.01 General Regulations

#### Title 2 : Zoning / Chapter 1130 Allowable Uses / 1130.01 General Regulations / (a) Uses Allowed

##### (a) Uses Allowed

Only the following uses of land, bodies of water, air rights, buildings, structures, or other premises are

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allowed in the City of Barberton:

**Title 2 : Zoning / Chapter 1130 Allowable Uses / 1130.01 General Regulations / (a) Uses Allowed / (1) Pre-Existing Uses**  
*(1) Pre-Existing Uses*

Uses lawfully established on the effective date of this Code, subject to the provisions of Chapter 1340, Nonconformities

**Title 2 : Zoning / Chapter 1130 Allowable Uses / 1130.01 General Regulations / (a) Uses Allowed / (2) Uses With Prior Permit**  
*(2) Uses With Prior Permit*

Uses that:

- A. had a Building Permit lawfully issued prior to the effective date of this Code, and
- B. began construction within 6 months thereof and diligently prosecuted such construction to completion, and
- C. are constructed and occupied in conformance with the plans on the basis of which the Permit was issued

**Title 2 : Zoning / Chapter 1130 Allowable Uses / 1130.01 General Regulations / (a) Uses Allowed / (3) Permitted Uses**  
*(3) Permitted Uses*

Permitted Uses in the applicable zoning district, as provided in Tables 1130A, 1130C, and 1130E, subject to the conditions and requirements of applicable City regulations.

**Title 2 : Zoning / Chapter 1130 Allowable Uses / 1130.01 General Regulations / (a) Uses Allowed / (4) Conditional Uses**  
*(4) Conditional Uses*

Conditional Uses in the applicable zoning district, as provided in Tables 1130B, 1130D, and 1130F, subject to the approval of a Conditional Use Permit as provided in division 1310.03(b) and to other conditions and requirements of applicable City regulations

**Title 2 : Zoning / Chapter 1130 Allowable Uses / 1130.01 General Regulations / (a) Uses**

**Allowed / (5) Temporary Uses**  
*(5) Temporary Uses*

Temporary Uses subject to the provisions of division 1310.04(a).

**Title 2 : Zoning / Chapter 1130 Allowable Uses / 1130.01 General Regulations / (b) Uses Fitting Multiple Classifications**

**(b) Uses Fitting Multiple Classifications**

**Title 2 : Zoning / Chapter 1130 Allowable Uses / 1130.01 General Regulations / (b) Uses Fitting Multiple Classifications / (1) Identical Classification in Different Groups**  
*(1) Identical Classification in Different Groups*

In a few cases a use may be listed in more than one Use Group in Tables 1130G - 1130J. As a consequence, the use may be designated under Tables 1130A - 1130F as both a Permitted Use and a Conditional Use in the same zoning district. In such case, the use shall be considered a Permitted Use in that district.

**Title 2 : Zoning / Chapter 1130 Allowable Uses / 1130.01 General Regulations / (b) Uses Fitting Multiple Classifications / (2) Different Classifications**  
*(2) Different Classifications*

If a Principal Use can be considered to fall under two or more different use classifications that are listed in different Use Groups, it shall be regulated by the classification that is in the judgment of the Building Commissioner the narrowest or most specific.

**Title 2 : Zoning / Chapter 1130 Allowable Uses / 1130.01 General Regulations / (b) Uses Fitting Multiple Classifications / (3) All Other Cases**  
*(3) All Other Cases*

Otherwise, if a Principal Use can be classified both as a Permitted Use and as a Conditional Use, it shall be considered a Conditional Use.

**Title 2 : Zoning / Chapter 1130 Allowable Uses / 1130.01 General Regulations / (c) Other Regulations**

**(c) Other Regulations**

**Title 2 : Zoning / Chapter 1130 Allowable Uses / 1130.01 General Regulations / (c) Other Regulations / (1) Interpretation of Sales Uses**

***(1) Interpretation of Sales Uses***

Uses identified as stores, shops, sales establishments, and the like shall be interpreted to be engaged in retail sales only unless specifically indicated to the contrary.

**Title 2 : Zoning / Chapter 1130 Allowable Uses / 1130.01 General Regulations / (c) Other Regulations / (2) Outdoor Activities**

***(2) Outdoor Activities***

Sales, merchandise display, storage, repair, and motor vehicle servicing shall be conducted entirely indoors except for the uses specified herein.

**A. Temporary Uses**

Outdoor activity allowed as a Temporary Use under division 1310.04(a).

**B. Vending Machines**

Vending machines, as defined herein, news boxes, pay telephones, motor fuel pumps, and the like located outdoors.

**C. Incidental Residential Sales**

Children's lemonade stands and similar incidental activities customarily associated with residential uses.

**D. Incidental Servicing**

Incidental servicing, as defined herein, of motor vehicles.

**E. Listed Uses**

The following uses, and other uses characteristically involving outdoor activity, where specifically listed as permitted in the various zoning districts:

1. open sales lots, as defined herein
2. open air flea markets, farmers markets, and the like
3. outdoor cafes, as defined herein

4. street vendors, as defined herein
5. outdoor recreation facilities such as amusement parks, miniature golf, skating rinks, race tracks, stadiums, and amphitheaters
6. drive-through establishments, as defined herein
7. permanent farm stands
8. outdoor storage

**F. Accessory Outdoor Sales**

Outdoor sales areas or displays as an Accessory Use on the premises of a business or on public or private land immediately adjacent thereto that:

1. do not exceed 25 percent of the floor area of the business or 300 square feet of land area, whichever is less, per establishment, and
2. conform to all City regulations governing use of public sidewalks, street rights-of-way, or other public lands.

**Title 2 : Zoning / Chapter 1130 Allowable Uses / 1130.01 General Regulations / (c) Other Regulations / (3) Special Industrial Conditional Uses**  
*(3) Special Industrial Conditional Uses*

In any I Industrial District, the Planning Commission may approve or conditionally approve as a Conditional Use a use allowed only in a higher-numbered Industrial District as provided herein.

The Board shall approve such Conditional Use only upon making findings of fact that:

- A. the proposed use conforms to the Approval Criteria for Conditional Uses of Table 1310D, and
- B. because of technological advances or special methods of operating or of controlling external effects, the proposed use:
  1. will not produce the objectionable environmental effects--such as noise, traffic, glare, odor, dust, vibration, and the like--commonly associated with such proposed use, and
  2. will instead produce a level of such effects comparable to or less objectionable than those customarily produced by uses listed as allowed in the present zoning district classification of the property.

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The burden of providing evidence to support such findings--in the form of scientific data, expert opinion, or other information acceptable to the Board--shall be upon the applicant. Such evidence shall be submitted with the application.

The Board shall request comments concerning the effects of the proposed use and the evidence presented from the Planning Director, Building Commissioner, City Engineer, Fire Chief, Health Department, and other City officials as appropriate.

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130A: Permitted Uses in Residential & Open Land Districts**

**Table 1130A: Permitted Uses in Residential & Open Land Districts**

<u>Use Group</u>		<u>Zoning District</u>					
		<u>LC</u>	<u>All AE</u>	<u>All RS</u>	<u>All RT</u>	<u>All RA</u>	<u>RM</u>
1. Conservancy		X	X	-	-	-	-
1C. Special Conservancy	-	X	-	-	-	-	
2. Agricultural	-	X	-	-	-	-	
3. General	-	X	X	X	X	X	
4. Single-Family Residential	-	X	X	X	X	X	
5. Two-Family Residential	-	-	-	X	X	X	
6. Attached Residential		-	-	-	-	X	X
7. Multi-Family Residential	-	-	-	-	-	X	
8. Local Institutional	-	X	X	X	X	X	

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130B: Conditional Uses in Residential & Open Land Districts**

**Table 1130B: Conditional Uses in Residential & Open Land Districts**

<u>Use Group</u>	<u>Zoning District</u>						
	<u>LC</u>	<u>AE</u>	<u>All RS</u>	<u>All RT</u>	<u>All RA</u>	<u>All RM</u>	
1C. Special Conservancy	X	-	-	-	-	-	
2C. Special Agricultural	-	X	-	-	-	-	
3C. Special General	-	X	X	X	X	X	
4C. Special Single-Family Residential	-	-	X	X	X	X	X
5C. Special Two-Family Residential	-	-	-	X	X	X	
6C. Special Attached Residential	-	-	-	-	X	X	
7C. Special Multi-Family Residential	-	-	-	-	-	X	
8C. Special Local Institutional		-	X	X	X	X	X

These tables indicate the general types of uses allowable in each district. Specific uses for each Use Group listed appear in Tables 1130G, 1130H, 1130I, and 1130J.

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130C: Permitted Uses in Commercial Districts**

**Table 1130C: Permitted Uses in Commercial Districts**

<u>Use Group</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>	<u>C4</u>	<u>CD</u>	
3. General	X	X	X	X	X	
7. Multi-Family Residential	X	X	X	-	X	
8. Local Institutional	X	X	X	X	X	
8C. Special Local Institutional		X	X	X	X	X



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9. General Business	X	X	X	X	X	
10. Neighborhood Office	-	X	X	X	X	
11. Retail Office	-	X	X	X	X	
12. Convenience Retail		X	X	X	X	X
13. Neighborhood Retail	-	X	X	-	X	
14. Community Center Retail	-	-	X	-	X	
15. Office Center	-	-	X	-	X	
16. Highway Commercial	-	-	-	X	-	

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130D: Conditional Uses in Commercial Districts**

**Table 1130D: Conditional Uses in Commercial Districts**

<u>Use Group</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>	<u>C4</u>	<u>CD</u>	
3C. Special General	X	X	X	X	X	
7C. Special Multi-Family Residential	X	X	X	-	X	
9C. Special General Business	X	X	X	X	X	
10C. Special Neighborhood Office	-	X	X	X	X	
11C. Special Retail Office	-	X	X	X	X	
12C. Special Convenience Retail	X	X	X	X	X	
13C. Special Neighborhood Retail	-	X	X	-	X	
14. Community Center Retail	-	X	-	-	-	
14C. Special Community Center Retail		-	-	X	-	X
15. Office Center	-		X-	-	-	
15C. Special Office Center	-	-	X	-	X	

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16C. Special Highway Commercial	-	-	-	X	-

These tables indicate the general types of uses allowable in each district. Specific uses for each Use Group listed appear in Tables 1130G, 1130H, 1130I, and 1130J.

Conditional Uses are subject to 1310.03(b).

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130E: Permitted Uses in Office and Industrial Districts**

**Table 1130E: Permitted Uses in Office and Industrial Districts**

<u>I3</u>	<u>Use Group</u>	<u>O1</u>	<u>O2</u>	<u>I1</u>	<u>I2</u>
	<u>IU</u>				
3. X	General X	X	X	X	X
7. -	Multi-Family Residential -	X	X	-	-
8. -	Local Institutional -	X	X	-	-
8C. -	Special Local Institutional -	X	X	-	-
9. X	General Business X	X	X	X	X
10. -	Neighborhood Office -	X	X	-	-
15. -	Office Center -	-	X	X	X
16. -	Highway Commercial -	-	-	X	X
17. X	Light Industrial -	-	-	X	X
17C. X	Special Light Industrial -	-	-	-	X
18.	Medium Industrial	-	-	-	X

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X	-				
18C.	Special Medium Industrial	-	-	-	-
X	-				
19.	Heavy Industrial	-	-	-	-
X	-				
20.	Urban Industrial	-	-	-	-
-	X				

\* In the I-U District, no use in any lot or building site shall exceed a gross floor area of 15,000 square feet.

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130F: Conditional Uses in Office and Industrial Districts**

**Table 1130F: Conditional Uses in Office and Industrial Districts**

	<u>Use Group</u>	<u>O1</u>	<u>O2</u>	<u>I1</u>	<u>I2</u>
<u>I3</u>	<u>IU</u>				
3C.	Special General	X	X	X	X
X	X				
7C.	Special Multi-Family Residential	X	X	-	-
-	-				
9C.	Special General Business	X	X	X	X
X	X				
10C.	Special Neighborhood Office	X	X	X	-
-	-				
15C.	Special Office Center	-	X	X	X
-	-				
16C.	Special Highway Commercial	-	-	X	X
-	-				
17C.	Special Light Industrial	-	-	X	-
-	-				
18C.	Special Medium Industrial	-	-	-	X
-	-				
19C.	Special Heavy Industrial	-	-	-	-

**Barberton Development Code**

X	-	-	-	-	-
20C.	Special Urban Industrial	-	-	-	-
-	X				

\* In the I-U District, no use in any lot or building site shall exceed a gross floor area of 15,000 square feet.

These tables indicate the general types of uses allowable in each district. Specific uses for each Use Group listed appear in Tables 1130G, 1130H, 1130I, and 1130J.

Conditional Uses are subject to 1310.03(b).

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130G: Residential, Institutional, and Open Land Use Groups**

**Table 1130G: Residential, Institutional, and Open Land Use Groups**

[SU] identifies a use that is subject to special provisions in Chapter 1250.

NOTE: Districts in which the Use Groups in this table are allowed appear in Tables 1130A - 1130F.

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130G: Residential, Institutional, and Open Land Use Groups / Group 1: Conservancy Uses**

**Group 1: Conservancy Uses**

*Conservancy uses are uses suitable for flood plains, reclaimed lime lakes, or other environmentally hazardous or sensitive areas.*

1. Athletic fields
2. Bridle paths
3. Forestry
4. Gardens, community
4. Golf fairways
5. Hiking trails
6. Nurseries, tree and shrubbery (no retail sales)

7. Parks without buildings
  8. Picnic areas
  9. Playgrounds without buildings
  10. Reclamation, restoration, or remediation of environmentally damaged land or water areas mandated by state or federal government or court order
  11. Reserves, open space, without buildings
  12. Temporary Uses approved under 1310.04(a)
  13. Wildlife sanctuaries, without buildings
  14. Uses that are not Permitted or Conditional Uses in this or any other Use Group and are judged similar to a Permitted Use in the applicable district under division 1310.04(c)
- 

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130G: Residential, Institutional, and Open Land Use Groups / Group 1C: Special Conservancy Uses**

**Group 1C: Special Conservancy Uses**

*Special Conservancy Uses are uses that may be compatible with a conservancy area under special conditions.*

1. Boat houses
2. Dams, flowages, and relocation of water courses
3. Drainage facilities, man-made
4. Dredging
5. Filling
6. Golf course buildings
7. Locks
8. Park buildings and picnic shelters
9. Parking, off-street

10. Reclamation, restoration, or remediation of environmentally damaged land or water areas undertaken voluntarily by the property owner or user
11. Piers
12. Removal of soil or peat
13. Accessory structures to Conditional Uses in the applicable District
14. Accessory structures to Permitted Uses in the applicable District
15. Uses that are not Permitted or Conditional Uses in this or any other Use Group and are judged similar to a Conditional Use in the applicable district under division 1310.04(c)

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**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130G: Residential, Institutional, and Open Land Use Groups / Group 2: Agricultural Uses**

**Group 2: Agricultural Uses**

*Agricultural Uses are uses appropriate for farming areas that are not urbanized nor planned for urbanization in the near future. They do not necessarily provide a suitable environment for urban residential uses.*

1. Agriculture, as defined herein, except activities listed in Group 2C
2. Farm stands, permanent, for the sale of produce
3. Feed, flour, and grain storage
4. Orchards
5. Greenhouses and nurseries
6. Stables, non-commercial

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**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130G: Residential, Institutional, and Open Land Use Groups / Group 2C: Special Agricultural Uses**

**Group 2C: Special Agricultural Uses**

*Special Agricultural Uses are uses that may be compatible with an agricultural environment*

*under appropriate conditions.*

1. Agriculture: mink, poultry, and hog farms and farms feeding offal or garbage
2. Airports
3. Campgrounds
4. Cemeteries
5. Dumps, except toxic waste disposal
6. Excavations, such as for artificial lakes or borrow pits
7. Feeding stations, cattle
8. Golf courses and country clubs
9. Landfills, except toxic waste disposal
10. Oil and gas wells [SU]
11. Recycling centers
12. Stables, commercial
13. Surface mining and quarries
14. Top soil removal
15. Transfer stations, solid waste

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**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130G: Residential, Institutional, and Open Land Use Groups / Group 3: General Uses**

**Group 3: General Uses**

*General Uses are customary public, accessory, or other uses allowable in all non-conservation zoning districts.*

1. Accessory Uses to Permitted and Conditional Uses in the applicable District
2. Bus stops, local

3. Construction buildings or trailers, temporary
4. Offices accessory to a Permitted Use in the applicable district
5. Parking, off-street, as an Accessory Use only
6. Parking, on-street, where permitted by City regulations
7. Pedestrian paths, walkways and hiking trails, except skywalks
8. Permitted Public Uses:
  - a. Poles, tunnels, conduits, wires, cables, headends, vaults, laterals, pipes, drains, mains, valves, hydrants, and similar distribution equipment for public services or public utilities
  - b. street, alley, and railroad or transit rights-of-way
  - c. fire alarm and police call boxes
  - d. traffic signals, and
  - e. pay telephones.
9. Planned Unit Developments, subject to 1310.06
10. Real estate sales or leasing offices, temporary
11. Temporary Uses approved under 1310.04(a)
12. Uses that are not Permitted or Conditional Uses in this or any other Use Group and are judged similar to a Permitted Use in the applicable district under division 1310.04(c)

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**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130G: Residential, Institutional, and Open Land Use Groups / Group 3C: Special General Uses**

**Group 3C: Special General Uses**

*Special General Uses are public, accessory, or other uses normally allowable in all non-conservation zoning districts permitting development only after special review to assure compatibility.*

1. Air rights development over land



2. Air rights development over a body of water

3. Conditional Public Uses:

The use of a lot other than for Permitted Public Uses listed in Group 3 by a governmental body, public utility, or railroad for the provision of public utilities or services, including sewerage, water supply, electricity, gas, cable television, public safety, government administration, transportation, and communications.

Conditional Public Uses include:

A. power plants and substations

B. water or sewage treatment plants, reservoirs, and pumping stations

C. railroad and utility buildings

D. police and fire stations

E. municipal buildings and local government offices, and

F. public transportation facilities, including shelters, garages, terminals, parking and turnaround areas, and service buildings, except as specifically listed elsewhere.

4. Expansion of, addition to, or substantial reconstruction of a Conditional Use, except routine maintenance

5. Offices accessory to a Conditional Use in the applicable district

6. Radio, television, and cable television towers

7. Uses that are not Permitted or Conditional Uses in this or any other Use Group and are judged similar to a Conditional Use in the applicable district under division 1310.04 (c)

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**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130G: Residential, Institutional, and Open Land Use Groups / Group 4: Single-Family Residential Uses**

**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]

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130G: Residential, Institutional, and Open Land Use Groups / Group 4C: Special Single-Family Residential Uses**

**Group 4C: Special Single-Family Residential Uses**

Special Single-Family Residential Uses are uses that may be compatible with the most restricted single-family residential environments under appropriate conditions.

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

1. Group homes, as defined herein.

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130G: Residential, Institutional, and Open Land Use Groups / Group 5: Two-Family Residential Uses**

**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.

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130G: Residential, Institutional, and Open Land Use Groups / Group 5C: Special Two-Family Residential Uses**

**Group 5C: Special Two-Family Residential Uses**

Special Two-Family Residential Uses are uses that may be compatible with a single- and two-family residential environment under appropriate conditions.

(RESERVED)

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130G: Residential, Institutional, and Open Land Use Groups / Group 6: Attached Residential Uses**

**Group 6: Attached Residential Uses**

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

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130G: Residential, Institutional, and Open Land Use Groups / Group 6C: Special Attached Residential Uses**

**Group 6C: Special Attached Residential Uses**

Special Attached Residential Uses are uses that may be compatible with an intermediate residential environment under appropriate conditions.

(RESERVED)

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130G: Residential, Institutional, and Open Land Use Groups / Group 7: Multi-Family Residential Uses**

**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

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130G: Residential, Institutional, and Open Land Use Groups / Group 7C: Special Multi-Family Residential Uses**

**Group 7C: Special Multi-Family Residential Uses**

Special Multi-Family Residential Uses are uses that may be compatible with a multi-family residential environment under appropriate conditions.

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

1. Apartment hotels, as defined herein
2. Dormitories
3. Fraternity or sorority houses
4. Manufactured home parts, subject to 1310.07
5. Shelters for the homeless
6. Single-room occupancy housing

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130G: Residential, Institutional, and Open Land Use Groups / Group 8: Local Institutional Uses**

**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 wor-ship 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

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**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130G: Residential, Institutional, and Open Land Use Groups / Group 8C: Special Local Institutional Uses**

**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
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

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**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130H: Local Business Use Groups**

**Table 1130H: Local Business Use Groups**

*[SU] identifies a use that is subject to special provisions in Chapter 1250.*

*NOTE: Districts in which the Use Groups in this table are allowed appear in Tables 1130A-1130F.*

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130H: Local Business Use Groups /**

**:"American Legal Publishing Corporation"**

**Group 9: General Business Uses**

**Group 9: General Business Uses**

General Business Uses are uses always compatible with any retail, office, or industrial environment.

1. Automated teller machines
2. Day care centers, child, as an Accessory Use to a Permitted or Conditional Use in the District
3. Rental or lease of items sold in the applicable District as a Permitted Use
4. Repair or servicing (indoor) of items produced on the premises as a Permitted Use in the District 5. Repair or servicing (indoor) of items sold in the applicable District as a Permitted Use
6. Sale, incidental only, of items produced on the premises as a Permitted Use in the District
7. Sale, incidental only, of items repaired or serviced on the premises as a Permitted Use in the applicable district
8. Showrooms, non-retail, for items produced on the premises as a Permitted Use in the District
9. Storage (indoor) of items produced, sold, rented, leased, serviced, or repaired on the premises as a Permitted Use in the District

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**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130H: Local Business Use Groups / Group 9C: Special General Business Uses**

**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

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**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130H: Local Business Use Groups /  
Group 10: Neighborhood Office Uses**

**Group 10: Neighborhood Office Uses**

*Neighborhood Office Uses are office and related non-retail and non-industrial uses that generate moderate traffic and are otherwise compatible with highly dispersed locations close to residential areas.*

1. Dental offices, maximum 2 dentists
2. Graphics and drafting services
3. Group homes, as defined herein
4. Lofts, as defined herein, except on the ground floor
5. Medical offices, maximum 2 doctors
6. Mortuaries (no crematories)
7. Nursing homes, as defined herein
8. Offices, business and professional, not listed elsewhere, except retail offices, as defined herein
9. Offices, government, political, and institutional, not listed elsewhere, except retail office uses, as defined herein
10. Optometry offices, maximum 2 optometrists
11. Secretarial services
12. Studios, art, music, craft, interior design, or photography
13. Tourist homes and bed and breakfast lodgings

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**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130H: Local Business Use Groups /  
Group 10C: Special Neighborhood Office Uses**

**Group 10C: Special Neighborhood Office Uses**

*Special Neighborhood Office Uses are uses that may be compatible with a neighborhood office environment under appropriate conditions.*

1. Crematories as Accessory Uses to mortuaries
  2. Day care centers, child, as defined herein, as a Principal Use
  3. Mental health centers, community, as defined herein
  4. Parking, off-street, as a Principal Use
  5. Tourist homes and bed and breakfast lodging
- 

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130H: Local Business Use Groups /  
Group 11: Retail Office Uses**

**Group 11: Retail Office Uses**

*Retail Office Uses are office uses that generate considerable traffic from customers from the general public, that often require high-visibility locations to attract business, frequently have evening and weekend business hours, or commonly require physical expansion on their site, and that are in these or other respects similar to retail stores.*

1. Banks
2. Clinics, as defined herein
3. Credit unions
4. Employment agencies
5. Finance companies
6. Government or non-profit agencies that frequently attract the general public, such as drivers license bureaus, unemployment offices, welfare offices, or income tax assistance centers
7. Insurance sales offices



8. Legal clinics
  9. Tax preparation offices
  10. Real estate sales offices, residential
  11. Savings and loans and savings banks
  12. Securities brokerages
  13. Travel bureaus
- 

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130H: Local Business Use Groups /  
Group 11C: Special Retail Office Uses**

**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)

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**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130H: Local Business Use Groups /  
Group 12: Convenience Retail Uses**

**Group 12: Convenience Retail Uses**

*Convenience Retail Uses are retail and personal service uses that provide very frequently purchased consumer goods and services, that typically generate modest traffic from a limited geographic area, and that are therefore suited to highly dispersed locations closest to residential areas.*

1. Bakeries, retail
2. Barber shops
3. Beauty shops
4. Candy shops

5. Clothing repair shops
  6. Coffee houses
  7. Convenience food markets
  8. Delicatessens
  9. Donut shops
  10. Drug stores
  11. Dry cleaner and laundry drop-off stations
  12. Florist shops
  13. Food stores
  14. Health food stores
  15. Ice cream shops
  16. Laundromats
  17. Money exchanges
  18. Newspaper and magazine shops
  19. Nut shops
  20. Photo processing stores
  21. Popcorn shops
  22. Restaurants
  23. Restaurant outdoor cafes outside public right-of-way
  24. Shoe repair shops
  25. Tailor shops
  26. Tobacco shops
  27. Yogurt shops
-

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130H: Local Business Use Groups /  
Group 12C: Special Convenience Retail Uses**

**Group 12C: Special Convenience Retail Uses**

*Special Convenience Retail Uses are very frequently-patronized retail and personal service uses that may be compatible in highly dispersed locations closest to residential areas under appropriate conditions.*

1. Restaurant outdoor cafes within the public right-of-way
- 

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130H: Local Business Use Groups /  
Group 13: Neighborhood Retail Uses**

**Group 13: Neighborhood Retail Uses**

*Neighborhood Retail Uses are retail and service uses that typically provide frequently purchased consumer goods and services together with a limited selection of comparison goods and that are therefore suited to semi-dispersed locations close to residential areas.*

1. Art and craft supply stores
2. Beauty supplies sales, including cosmetics, wigs, perfumes, and the like
3. Book stores
4. Card stores
5. Clothing stores
6. Dairy stores (no processing or bottling)
7. Domestic appliance stores, including radio, television, stereo, lighting, clock, and music stores
8. Filling stations, as defined herein
9. Gift shops
10. Hardware stores
11. Jewelry and watch stores

12. Kiosks housing retail or service Permitted Uses
13. Liquor stores (package goods only)
14. Locksmith shops
15. Lofts, as defined herein, except on the ground floor
16. Mail receiving services
17. Office supply stores
18. Optician sales, retail
19. Paint stores
20. Pet grooming and veterinary offices, excluding kennels or animal boarding
21. Post offices
22. Printing and photocopying shops with 6 or fewer employees
23. School supply stores
24. Stationery stores
25. Street vendors, as defined herein, subject to applicable City regulations
26. Taverns, as defined herein
27. Ticket offices, theatre and amusement
28. Ticket offices, transportation
29. Tile stores
30. Variety stores
31. Video cassette sales or rental stores
32. Wallpaper stores
33. Yard goods and fabric stores

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130H: Local Business Use Groups /  
Group 13C: Special Neighborhood Retail Uses**

**Group 13C: Special Neighborhood Retail Uses**

*Special Neighborhood Retail Uses are uses that may be compatible with a neighborhood retail environment under appropriate conditions.*

1. Banquet halls
  2. Drive-through establishments, as defined herein
  3. Kiosks housing retail or service Conditional Uses
  4. Meeting halls
  5. Motor vehicle servicing shops, as defined herein
  6. Service stations, as defined herein
- 

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130I: Areawide Business Use Groups**

**Table 1130I: Areawide Business Use Groups**

*[SU] identifies a use that is subject to special provisions in Chapter 1250.*

*NOTE: Districts in which the Use Groups in this table are allowed appear in Tables 1130A-1130F.*

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130I: Areawide Business Use Groups / Group 14: Community Center Retail Uses**

**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. Art shops or galleries
6. Auditoriums
7. Banquet halls
8. Bicycle sales
9. Boat and marine rental, no open sales lot
10. Boat launching areas
11. Bowling alleys
12. Bus and rail stations, intercity
13. Camera and photographic supply stores
14. Camping equipment sales
15. Carpet and rug stores
16. Catalog stores
17. Catering services
18. China and glassware shops
19. Collectibles sales, such as coins, stamps, comic books, and the like
20. Computer sales
21. Convention halls
22. Crafts shops
23. Custom dressmaking establishments
24. Dance halls
25. Department stores and discount department stores

26. Drive-through establishments, as defined herein
27. Educational institutions, as defined herein
28. Filling stations, as defined herein [SU]
29. Flea markets, swap meets, farmers' and similar markets, permanent indoor
30. Flea markets, swap meets, farmers' and similar markets, permanent outdoor
31. Furniture stores, including upholstery when conducted as part of the retail operations and secondary thereto
32. Furrier shops, including the incidental storage and conditioning of furs
33. Game rooms
34. Garden supply, tool, and seed and nursery plant stores
35. Gunsmith shops, not including firing ranges
36. Health clubs, as defined herein
37. Hearing aid stores
38. Hobby shops
39. Home centers, as defined herein
40. Home furnishings stores
41. Hotels and motels, as defined herein
42. Ice skating rinks, indoor or outdoor
43. 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
44. Leather goods and luggage stores
45. Libraries, private, and reading rooms
46. Marinas
47. Marine equipment and supply stores
48. Millinery shops

49. Motor vehicle part and accessory stores
50. Motor vehicle repair shops, as defined herein
51. Motor vehicle servicing shops, as defined herein
52. Museums
53. Musical instrument sales
54. Night clubs, as defined herein
55. Orthopedic and medical appliance sales
56. Parking, off-street, as a Principal Use
57. Pawnshops
58. Performing arts centers
59. Pet shops
60. Picture framing shops, retail
61. Record, tape, compact disc, and sheet music stores
62. Recreational institutions, as defined herein
63. Recycling collection points, as defined herein
64. Second hand stores and rummage shops
65. Service stations, as defined herein
66. Sewing machine sales
67. Shoe stores
68. Sporting goods and exercise equipment stores
69. Stadiums and arenas
70. Tanning salons
71. Telegraph offices
72. Theatres, indoor



- 73. Ticket offices, theatre and amusement
  - 74. Tour bus or similar services
  - 75. Tourist information centers
  - 76. Tourist homes and bed and breakfast ,lodging
  - 77. Toy stores
- 

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130I: Areawide Business Use Groups / Group 14C: Special Community Center Retail Uses**

**Group 14C: Special Community Center Retail Uses**

*Special Community Center Retail Uses are uses that may be compatible with a community retail environment under appropriate conditions.*

(RESERVED)

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130I: Areawide Business Use Groups / Group 15: Office Center Uses**

**Group 15: Office Center Uses**

*Office Center Uses are office and related uses that are predominantly non-retail in character, may gen-erate considerable employee and visitor traffic, and are therefore incompatible with dispersed locations close to residential areas.*

- 1. Armories
- 2. Banquet halls
- 3. Clinics, as defined herein
- 4. Data processing centers
- 5. Day care centers, child, as defined herein, as a Principal Use
- 6. Exhibit halls
- 7. Graphics and drafting services

8. Health clubs, as defined herein
9. Hospitals
10. Hotels and motels
11. Laboratories, medical, dental, optical, research, film, photo, or testing
12. Lofts, as defined herein, except on ground floor
13. Mail order houses and letter shops
14. Meeting halls
15. Mental health centers
16. Motion picture studios (no outdoor sets)
17. Offices, business and professional, not listed elsewhere, except retail offices, as defined herein
18. Offices, government, political, and institutional, not listed elsewhere, except retail offices, as defined herein
19. Package delivery services
20. Parking, off-street, as a Principal Use
21. Performing arts centers
22. Post offices
23. Radio stations and studios
24. Recording studios
25. Religious institutions, as defined herein
26. Research laboratories and development facilities
27. Restaurants
28. Secretarial services
29. Schools, commercial
30. Studios, art, music, craft, interior design, or photography
31. Taxi services

32. Television stations and studios
  33. Training centers, business
  34. Union halls
- 

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130I: Areawide Business Use Groups / Group 15C: Special Office Center Uses**

**Group 15C: Special Office Center Uses**

*Special Office Center Uses are office-related uses that may be compatible with an office center environment under appropriate conditions.*

1. Airports, as defined herein
  2. Alcohol or drug abuse treatment facilities
  3. Auditoriums
  4. Automobile and truck rental establishments
  5. Blueprinting and photostating establishments
  6. Business machine sales
  7. Computer sales
  8. Convention halls
  9. Dwellings related to a hospital or mental health center for exclusive occupancy by hospital staff and their immediate families
  10. Exhibit halls
  11. Helicopter pads, as an Accessory Use to a hospital or other Permitted Use
- 

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130I: Areawide Business Use Groups / Group 16: Highway Commercial Uses**

**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. Contractors and 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
  - 73. Sexually Orientated Businesses, as defined herein [SU]
- 

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130I: Areawide Business Use Groups / Group 16C: Special Highway Commercial Uses**

**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. Amusement parks
- 2. Archery ranges, outdoor
- 3. Campgrounds
- 4. Correctional institutions
- 5. Fuel storage, bulk
- 6. Outdoor storage associated with a Permitted or Conditional Use
- 7. Race tracks, animal
- 8. Race tracks and drag strips, motor
- 9. Shooting ranges, outdoor or indoor
- 10. Skateboard tracks, outdoor
- 11. Trailer parks for recreational vehicles
- 12. Truck stops

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130J: Industrial Use Groups**

## Table 1130J: Industrial Use Groups

*[SU] identifies a use that is subject to special provisions in Chapter 1250.*

*NOTE: Districts in which the Use Groups in this table are allowed appear in Tables 1130A-1130F.*

### **Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130J: Industrial Use Groups / Group 17: Light Industrial Uses**

#### **Group 17: Light Industrial Uses**

*Light Industrial Uses are industrial uses that produce modest adverse environmental effects and can therefore be located moderately close to residential or other more restricted uses.*

### **Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130J: Industrial Use Groups / Group 17: Light Industrial Uses / A. Specific Uses**

#### **A. Specific Uses**

1. Armories
2. Bakery plants
3. Boat and marine equipment sales
4. Boat building (under 5 tons)
5. Bottling works
6. Breweries and distilleries
7. Building moving and wrecking services
8. Canning & preserving factories, except fish products and sauerkraut
9. Cold storage plants
10. Dry cleaning & dyeing plants, using nonflammable cleaning fluids and excluding carpet and bag cleaning
11. Dwelling unit of caretaker or guard, as an Accessory Use



12. Feed, flour, and grain storage
13. Filling stations, as defined herein
14. Laundry plants
15. Laboratories, medical, dental, optical, research, film, or testing
16. Linen, uniform, or diaper supply
17. Lofts, as defined herein
18. Machine shops, precision
19. Metal plating, electrolytic process
20. Mini-warehouses
21. Motor, rail, or air freight terminals
22. Motor vehicle repair shops, as defined herein
23. Motor vehicle servicing shops, as defined herein
24. Paint, cold mixing or grinding of
25. Painting or varnishing shops
26. Printing, publishing, & binding shops with over 6 employees
27. Recycling collection points, as defined herein
28. Service stations, as defined herein
29. Sign painting shops (no fabrication)
30. Storage, open, of trucks or buses
31. Truck stops
32. Union halls
33. Vulcanizing shops
34. Warehousing and storage, indoor, and distribution facilities not allowed only in Group 17C or any higher-numbered Use Group
35. Wholesaling establishments

36. Woodworking shops

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130J: Industrial Use Groups / Group 17: Light Industrial Uses / B. Industrial Products**

***B. Industrial Products***

Any use consisting of assembly, cleaning, compounding, distillation, manufacturing, packaging, processing, production, reclamation, reconditioning, refining, repair, servicing, testing, or treatment of:

1. Apparel
2. Bags
3. Baked goods
4. Beverages, non-alcoholic
5. Bicycles & tricycles
6. Brooms & brushes
7. Buttons
8. Candy and confections
9. Cemetery monuments and burial caskets
10. Ceramic products using only previously pulverized clay & gas- or electrically-fired kilns
11. Chewing gum
12. Clocks & watches
13. Coffee
14. Cosmetics
15. Cutlery
16. Dairy products
17. Dies & gauges
18. Drugs & medications
19. Electrical & electronic appliances & instruments, small

20. Electrical & electronic appliance & instrument parts, small
21. Extracts
22. Flowers, artificial, or plumes
23. Food products not allowed only in Group 17C or any higher-numbered Use Group
24. Fur goods (excluding tanning & dying)
25. Furniture & wood products
26. Garments
27. Hand tools & hardware products
28. Handicrafts
29. Heating, ventilation, air conditioning appliances & supplies
30. Hosiery
31. Ice, natural or dry
32. Ice cream & similar products
33. Instruments, small precision
34. Jewelry
35. Mattresses
36. Medical, dental, optical, orthopedic, or prosthetic goods
37. Musical instruments
38. Novelties
39. Office machines
40. Office or artists' supplies
41. Pencils
42. Perfumes
43. Sheet metal products, light, such as HVAC ducts, cornices, or eaves

- 44. Signs and billboards, including electric and neon
- 45. Silverware & plated utensils
- 46. Sporting goods
- 47. Stamps, metal & rubber
- 48. Syrups
- 49. Toiletries
- 50. Toys
- 51. Wine
- 52. The following materials previously manufactured and/or prepared elsewhere:

bone	glass	rubber
bristles	hair	shell
broomcorn	horn	textiles
canvas	leather	tobacco
cellophane	metal	wax
cloth	paper	wire
cork	plastics	wool
feathers	precious or	wood
felt	semi-precious	yarns
fiber	metals or	
fur	stones	

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130J: Industrial Use Groups / Group 17: Light Industrial Uses / C. Uses consisting of mixing, compounding, and packaging of:**  
*C. Uses consisting of mixing, compounding, and packaging of:*

- 1. Chemicals
  - 2. Cleaning & polishing products
  - 3. Ink or inked ribbon
  - 4. Soap, washing or cleaning
-

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130J: Industrial Use Groups / Group 17C: Special Light Industrial Uses**

**Group 17C: Special Light Industrial Uses**

*Special Light Industrial Uses are uses that may be compatible with a light industrial environment under appropriate conditions.*

1. Fuel storage, bulk
2. Marinas
3. Oil and gas wells
4. Outdoor storage associated with a Permitted or Conditional Use
5. Recycling centers, as defined herein, involving sorting and crushing processing only
6. Stadiums and arenas

-----  
**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130J: Industrial Use Groups / Group 18: Medium Industrial Uses**

**Group 18: Medium Industrial Uses**

*Medium industrial uses are industrial and related uses that may produce greater adverse environmental effects than light industrial uses but lesser effects than heavy industrial uses and require a corresponding intermediate degree of separation or buffering from more restricted uses.*

Any use consisting of assembly, cleaning, compounding, distillation, manufacturing, packaging, processing, reclamation, reconditioning, refining, repair, servicing, testing, or treatment facilities, except uses that are:

1. allowed only in Group 18C or one or more higher-numbered Use Groups, or
2. established in City regulations as specifically prohibited uses:
  - A. in all Industrial Districts, or
  - B. in all districts, in all Business Districts, or in the City generally.

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130J: Industrial Use Groups / Group 18C: Special Medium Industrial Uses**

**Group 18C: Special Medium Industrial Uses**

*Special Medium Industrial Uses are uses that may be compatible with a medium industrial environment under appropriate conditions.*

1. Airports
  2. Correctional institutions
  3. Crematories
  4. Race tracks, animal
  5. Race tracks and drag strips, motor
  6. Scavenger services
  7. Sewer cleaning and rodding services
  8. Solid waste transfer stations
- 

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130J: Industrial Use Groups / Group 19: Heavy Industrial Uses**

**Group 19: Heavy Industrial Uses**

*Heavy Industrial Uses are industrial and related uses that may produce substantial adverse environmental effects and therefore require locations removed or heavily buffered from residential or other more restricted uses.*

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130J: Industrial Use Groups / Group 19: Heavy Industrial Uses / A. Specific Uses**

**A. Specific Uses**

1. Annealing or heat treating plants

2. Arsenals
3. Automatic screw machines
5. Blast furnaces or coke ovens
6. Cotton gins
7. Drop forge plants using power hammers
8. Garbage, refuse, offal, or dead animal reduction, incineration, or dumping except in a private incinerator constructed and operated as required by law
9. Nitrating of cotton or other cellulose material
10. Ore reduction, smelting, or refining
11. Outdoor storage associated with a Permitted Use
12. Planing mills
13. Punch presses
14. Quarries
15. Race tracks, animal
16. Race tracks and drag strips, motor
17. Railroad freight switching, storage, or classification yards or repair shops
18. Rendering plants
19. Rock, slag, clay, stone, or concrete crushing, grading, or screening
20. Sawmills
21. Scrap operations
22. Shipbuilding or repair (5 tons or more)
23. Slaughterhouses
24. Solid waste transfer stations
25. Stamping or pressing plants
26. Steam generating plants

27. Stockyards and feeding pens
28. Tanning, curing, or storage of raw hides or skins
29. Union halls
30. Wool pulling or scouring

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130J: Industrial Use Groups / Group 19: Heavy Industrial Uses / B. Industrial Products**

***B. Industrial Products***

Any use consisting of assembly, compounding, cleaning, distillation, manufacturing, packaging, processing, refining, reclamation, reconditioning, repair, servicing, testing, or treatment of:

1. Abrasives
2. Acetylene
3. Acids, corrosive, any not listed
4. Acoustical materials
5. Agar
6. Aircraft
7. Alcohol
8. Alkalis, corrosive, any not listed
9. Ammonia
10. Ammunition
11. Animal or bone black
12. Anti-knock compounds for gasoline
13. Asbestos
14. Asphalt
15. Automobile bodies
16. Balata



17. Balls or bearings
18. Barrels, drums, or pails, steel
19. Batteries, wet cell
20. Bedsprings
21. Beryllium
22. Bleaching powder
23. Bluing
24. Boilers or tanks
25. Bolts or nuts
26. Bone
27. Bricks or building blocks
28. Briquettes, fuel
29. Bronze powder
30. Calcimine
31. Cans
32. Candles
33. Canvas
34. Caoutchouc
35. Carbide
36. Carbon
37. Carbonic gas
38. Carbonic ice
39. Carborundum
40. Cardboard

41. Cattle or sheep dip
42. Celluloid
43. Cellulose nitrate products
44. Cement & cement products
45. Ceramic glaze or porcelain enamel frit manufacture
46. Ceramic products
47. Charcoal
48. Chemicals (from raw substances)
49. Chicle
50. Chlorine
51. Clay products
52. Cleaning & polishing preparations
53. Coal
54. Coal gas
55. Coal oil
56. Coke
57. Concrete and concrete products
58. Construction equipment
59. Copper
60. Cork
61. Cottonseed oil
62. Creosote
63. Dextrine
64. Disinfectants

- 65. Dyestuffs
- 66. Emery cloth
- 67. Enamel
- 68. Excelsior
- 69. Explosives
- 70. Fabrics, impregnated or coated
- 71. Fats
- 72. Felt
- 73. Fertilizer (from minerals or organic materials)
- 74. Fiberglass
- 75. Fish & fish products
- 76. Fireworks
- 77. Flammable liquids
- 78. Fungicides
- 79. Gas: artificial, natural, industrial, compressed, or liquified
- 80. Gelatine
- 81. Glass
- 82. Glucose
- 83. Glue (using animal products)
- 84. Glycerine
- 85. Grain, feed, or flour
- 86. Graphite
- 87. Grease
- 88. Gum & wood chemicals

- 89. Guncotton products
- 90. Guns, howitzers, mortars, & related equipment
- 91. Gutta percha
- 92. Gypsum
- 93. Hair
- 94. Hydrochloric acid
- 95. Insecticide
- 96. Ink (from basic substance)
- 97. Insulation
- 98. Iron
- 99. Jute
- 100. Lacquer
- 101. Lampblack
- 102. Lard
- 103. Lime
- 104. Linoleum
- 105. Malt
- 106. Matches
- 107. Meat products (other than poultry & rabbits)
- 108. Metallic powder, any not listed
- 109. Metal-working machinery
- 110. Mineral insulation
- 111. Mineral wool
- 112. Molasses

- 113. Mortar
- 114. Nitric acid
- 115. Nuclear or radioactive materials or waste
- 116. Nylon
- 117. Offal, fish or animal
- 118. Oils
- 119. Oilcloth
- 120. Oiled clothing
- 121. Oxygen
- 122. Paints
- 123. Paper or pulp (by sulfite processes emitting noxious gases or odors)
- 124. Patent leather
- 125. Pet food
- 126. Petroleum & petroleum products
- 127. Phenol or phenol products
- 128. Phonograph record blanks
- 129. Pickles
- 130. Picric acid
- 131. Pipe, steel
- 132. Plaster of Paris
- 133. Plastics
- 134. Plywood, veneer or shingles
- 135. Portland cement
- 136. Potash

- 137. Products of distillation of bone, coal, or wood
- 138. Pulp (by sulfite processes emitting noxious gases or odors)
- 139. Pyroxyline
- 140. Radioactive waste
- 141. Radio isotopes
- 142. Rayon
- 143. Relishes
- 144. Roofing materials
- 145. Rope
- 146. Rubber, natural or synthetic
- 147. Rubber products
- 148. Rugs
- 149. Salt
- 150. Sandpaper
- 151. Sashes & doors
- 152. Sauerkraut
- 153. Shellac
- 154. Shoddy
- 155. Shoe polish
- 156. Shortening
- 157. Size
- 158. Soap
- 159. Sodium compounds
- 160. Stoves

- 161. Stove polish
- 162. Starch
- 163. Steel
- 164. Sugar
- 165. Sugar beets
- 166. Sulfonated oils & assistants
- 167. Sulfuric acid
- 168. Sulfurous acid
- 169. Synthetic polymers and resins
- 170. Tallow
- 171. Tanks & tank components
- 172. Tar
- 173. Tar products, including roofing and waterproofing
- 174. Terra cotta
- 175. Textiles
- 176. Tile
- 177. Tires
- 178. Tobacco products
- 179. Transmission cable
- 180. Transportation equipment
- 181. Turpentine
- 182. Wallboard
- 183. Wallpaper
- 184. Window shades

- 185. Wire
- 186. Wood & gum chemicals
- 187. Wood (distillation only)
- 188. Varnish
- 189. Vinegar
- 190. Yeast
- 191. Zinc

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130J: Industrial Use Groups / Group 19: Heavy Industrial Uses / C. Bulk Storage (except incidental storage for use on the premises) of:**

**C. Bulk Storage (except incidental storage for use on the premises) of:**

- 1. Acids, corrosive, any not listed
- 2. Alkalis, corrosive, any not listed
- 3. Batteries, wet cell
- 4. Beryllium
- 5. Carbonic gas or ice
- 6. Coal or coke
- 7. Dead animals
- 8. Explosives
- 9. Fuel, solid
- 10. Gas: artificial, natural, industrial, compressed, or liquified
- 11. Garbage or rubbish
- 12. Grain
- 13. Gunpowder
- 14. Hydrochloric acid



15. Hides or skins, raw
  16. Nitric acid
  17. Offal
  18. Picric acid
  19. Petroleum & petroleum by-products
- 

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130J: Industrial Use Groups / Group 19C: Special Heavy Industrial Uses**

**Group 19C: Special Heavy Industrial Uses**

*Special Heavy Industrial Uses are uses that cannot be assured to be compatible with even a relatively unrestricted heavy industrial environment without special review.*

1. Hazardous or toxic materials disposal sites
2. Incinerators
3. Landfills and dumps

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130J: Industrial Use Groups / Group 20: Urban Industrial Uses**

**Group 20: Urban Industrial Uses**

1. Bakeries
2. Blueprinting and photostating establishments
3. Boxes or cabinets, manufacturing
4. Breweries
5. Building materials and product sales
6. Business machines
7. Canning and preserving factories, except for fish products

8. Chocolate and cocoa products manufacturing
9. Coffee roasting
10. Cold storage plants
11. Computer centers
12. Computer repair and sales
13. Industrial, scientific, or business research, development and testing laboratories and offices
14. Contractors and construction offices
15. Electronic instruments and devices, assembling and manufacturing
16. Equipment rentals
17. Frozen food sales
18. Garden supplies
19. Greenhouses and nurseries
20. Lawn care services
21. Laboratories, medical, dental, optical, research, film, or testing
22. Laundry plants
23. Locksmith shops
24. Machinery and equipment sales
25. Machine, precision
26. Manufacture of instruments, toys, novelties, rubber and metal stamps, cameras, and photographic equipment, business and household machines and appliances
27. Marine equipment and supply stores
28. Mini-warehouses
29. Monument sales
30. Newspaper distribution agencies
31. Orthopedic and medical appliance repair and sales

32. Package delivery services
33. Pet grooming and veterinary clinics
34. Plumbing and heating supply sales
35. Printing, publishing, and binding shops
36. Recreational institutional
37. Repair shops
38. Sign painting
39. Skating rinks (indoor)
40. Studios, art, music, craft, interior design, or photography
41. Swimming pool sales
42. Union halls
43. Warehousing and storage
44. Wholesale establishments

**Title 2 : Zoning / Chapter 1130 Allowable Uses / Table 1130J: Industrial Use Groups / Group 20C: Special Urban Industrial Uses**

**Group 20C: Special Urban Industrial Uses**

1. Plastic extruding
2. Punch press
3. Any Group 20 use in excess of 15,000 square feet but not greater than 50,000 square feet

(Ord. 148-1995. Passed 12-11-95; Ord. 119-1999. Passed 7-26-99; Ord. 2-2000. Passed 2-14-00.)

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards**

**Chapter 1140**

## **Accessory Uses and Yards**

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**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.01 Accessory Uses and Projections**

### **1140.01 Accessory Uses and Projections**

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.01 Accessory Uses and Projections / (a) General Provisions**

#### **(a) General Provisions**

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.01 Accessory Uses and Projections / (a) General Provisions / (1) Timing**

##### *(1) Timing*

Accessory Uses and structures shall be compatible with the Principal Use of the lot on which they are located and shall not be established prior to the establishment of the principal use.

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.01 Accessory Uses and Projections / (a) General Provisions / (2) Location**

##### *(2) Location*

Accessory Uses may be located in yards subject to the provisions of Tables 1140C and 1140D.

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.01 Accessory Uses and Projections / (a) General Provisions / (3) Standards**

##### *(3) Standards*

Accessory Uses shall conform to applicable standards of Table 1140A.

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.01 Accessory Uses and Projections / (b) Special Accessory Uses**

**(b) Special Accessory Uses**

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.01 Accessory Uses and Projections / (b) Special Accessory Uses / (1) Garages, Parking, and Loading**

***(1) Garages, Parking, and Loading***

Garages, carports, open parking spaces, load-ing spaces, and parking of commercial vehicles, recreational vehicles, collector cars, or junk cars as Accessory Uses shall be subject to applicable provisions of Chapter 1210, Parking, Loading, and Vehicular Areas.

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.01 Accessory Uses and Projections / (b) Special Accessory Uses / (2) Accessory Motor Vehicle Servicing**

***(2) Accessory Motor Vehicle Servicing***

Incidental servicing, as defined herein, of motor vehicles owned or leased by residents of the premises shall be an Accessory Use for residential uses in Residential Districts. No other motor vehicle servicing or repair shall be permitted as such an Accessory Use.

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.01 Accessory Uses and Projections / (b) Special Accessory Uses / (3) Signs**

***(3) Signs***

Signs shall conform to the provisions of Chapter 1230, Sign Regulations.

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.01 Accessory Uses and Projections / (b) Special Accessory Uses / (4) Backlit Awnings**

***(4) Backlit Awnings***

**A. Size**

Awnings that are mounted on building facades and that are artificially illuminated from behind or within, whether or not bearing a sign, shall not exceed:

1. an awning height of 5 feet measured vertically from the top of the awning to the lowest portion of the awning, including any fringe or valance, and
2. a length equal to 66 percent of the building frontage of the wall on which the awning is displayed along the street, alley, parking area, or other area toward which the awning faces.

**B. Exception**

Awnings larger than any dimension specified in division (b)(4) may be allowed as a Conditional Use under division 1310.03(b).

**C. Where Displayed**

Backlit awnings shall be displayed on ground level stories only.

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.01 Accessory Uses and Projections / (b) Special Accessory Uses / (5) Swimming Pools**

*(5) Swimming Pools*

Swimming pools shall conform to the requirements of Tables 1140A and 1140B.

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.01 Accessory Uses and Projections / (b) Special Accessory Uses / (6) Antennas**

*(6) Antennas*

**A. Dish Antennas**

Satellite dish antennas shall conform to the provisions of Section 1250.06.

**B. Other Antennas**

Radio or television towers or antennas as Accessory Uses shall not have an antenna height exceeding 35 feet in Residential Districts except where such limitation would serve to prevent amateur radio communications. Towers and antennas shall not be so positioned as to be a hazard to any utility line.

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.01 Accessory Uses and Projections / (b) Special Accessory Uses / (7) Projections Over Roofs and Canopies**

*(7) Projections Over Roofs and Canopies*

Projections or displays mounted on and extending vertically above the highest point of a roof, parapet, canopy, or awning are prohibited except for:

A. such signs as are allowed to so project by Chapter 1230, and

B. chimneys, spires, towers, elevator penthouses, mechanical equipment, tanks, antennas, and similar necessary or customary projections of necessary and customary height.

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.01 Accessory Uses and Projections / (b) Special Accessory Uses / (8) Fences**  
*(8) Fences*

Fences shall conform to the provisions of Section 1250.07.

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.01 Accessory Uses and Projections / (b) Special Accessory Uses / (9) Maintenance**  
*(9) Maintenance*

Backlit awnings, projections over roofs and canopies, and all other Accessory Uses and projections permitted by this chapter shall be maintained by the occupant of the premises in safe, intact, and presentable condition as determined by the Building Commissioner.

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / Table 1140A: Standards for Accessory Uses**

**Table 1140A: Standards for Accessory Uses**

Maximum Height [a] in Residential Districts:	In feet:	15
	In stories:	1
Maximum Coverage [b] of:		
Required Rear Yard [c]:	30 %	
Required Front Yard [c] [d]:	20 %	

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Minimum Setback from Principal or Other Accessory Building in feet [e]:	10
---	----

Minimum Setback from Lot Lines [f]:

<u>Accessory Use</u>	<u>Lot Line Set Back is From</u>	<u>Setback in Feet</u>
Motor fuel pump	Front or Corner Side	15
Dish antenna	Any	8

		<b>Barberton Development Code</b>
Dog run	Any	10
Any, on corner lot	Rear, abutting lot in RS, RT, or RA District	6
Any	Any	2
<u>Swimming pool:</u>		
Residential	Any	10
Club or commercial	Any abutting an R District	25
Pool building, club or commercial	Any abutting an R District	75

-----

Maximum Number & Size of Residential Accessory Buildings [g] :

	<u>Maximum Number</u>	<u>Maximum Floor Area in Square Feet</u>
Detached Garage	1	770 [h]
All Other	1	300
Total for All	2	1,020

Minimum setback of air conditioning condenser or heat pump from dwelling on another lot or building site [i]: 10 feet

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / Table 1140A: Standards for Accessory Uses / Notes for Table 1140A**

**Notes for Table 1140A**

This table applies except where City regulations applicable to a specific kind of accessory use provide a greater or lesser standard. They apply in all districts except where indicated otherwise.

[a] Fence height, as defined herein.

[b] See also 1210.06(c)(2) for maximum coverage by off-street parking.

[c] Cumulative for all accessory structures in yard. Excludes areas occupied by open patios and decks,

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open off-street parking, and swimming pools. Per-centage of coverage applies to area of actual yard when smaller than area of required yard.

[d] Applies to open porches only.

[e] Except decks, patios, and Accessory Uses that are structurally a part of the principal building.

[f] Except fences, walls, landscape screens, berms, and hedges. Yard restrictions of Table 1140D may impose greater setbacks from lot lines.

[g] On single- and two-family residential lots or building sites in RS, RT, & RA Districts.

[h] Or 50% of floor area of dwelling served, whichever is less. A larger garage may be approved as a Conditional Use on a lot having no less than 100 feet of frontage.

[i] Attached garages and other areas of a residential building not used for human occupancy may be located within this setback.

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / Table 1140B: Requirements for Swimming Pools**

**Table 1140B: Requirements for Swimming Pools**

	<u>Residential Pools</u> *	<u>Other Pools</u>
<u>In R Districts:</u>		
Type of Use	Permitted	Private pools *: Conditional Commercial pools *: Prohibited
Minimum lot area	None	3 acres
<u>In All Districts:</u>		
Maximum pool area in percent of lot area	5 %	5 %
Minimum fence height around pool or entire lot	5 feet	5 feet

Motor vehicle access to  
pool area permitted only from N/A

Commercial pools \*:  
arterial streets  
Private pools \*:  
arterial or collector  
streets

\* As defined herein.

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.02 Yards**

**1140.02 Yards**

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.02 Yards / (a) Obstructions**

**(a) Obstructions**

Yards, as defined herein, shall be required as provided in Chapter 1110. The yard space required for one building or structure shall not be used as the required yard space of another adjoining building or structure.

Yards may be obstructed by Accessory Uses or building projections only as provided in Tables 1140C and 1140D.

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.02 Yards / (b) Reduction in Lot Area**

**(b) Reduction in Lot Area**

No lot shall be so reduced in area, except as the result of partial acquisition by a public body, that yards or other setbacks are less than required by this Code.

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.02 Yards / (c) Vacant Through Lots**

**(c) Vacant Through Lots**

On a vacant through lot, either of the lot lines abutting a street may be established as the front lot line.

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Except that where a through lot is contiguous to a lot on which a front lot line has been established by an existing building, the same street line shall serve as the front lot line of the through lot.

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.02 Yards / Table 1140C:  
Maximum Projection into Required yard**

**Table 1140C:  
Maximum Projection into Required yard**

<u>Projection or Accessory Use</u>	<u>Applicable Yard</u>	<u>Maximum Projection:</u>	
		<u>Percent of Actual Yard Inches</u>	<u>Depth</u>
Awnings/ canopies	Any	--	25%
Bay windows	Any	18	--
Chimneys	Any	24	--
Eaves, sills, cornices, or gutters	Front  Any	--	25%  --

Any: Any yard in which projection or use is allowed by Table 1140D

**Title 2 : Zoning / Chapter 1140 Accessory Uses and Yards / 1140.02 Yards / Table 1140D:  
Prohibited Yard Obstructions**

**Table 1140D:  
Prohibited Yard Obstructions  
on Single- and Two-Family Lots**

<u>Projection or Accessory Use</u>	<u>Interior Side Yard</u>	<u>Corner Side Yard</u>	<u>Front Yard [b]</u>
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Arbors &

**Barberton Development Code**

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
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 buildings (detached)	X	X	X
Stoops, open [c]	-	-	-
Swimming pools,			

**Barberton Development Code**

residential [a]	x	x	x
Television or radio towers or antennas [a]	-	x	x
Tennis courts, private	x	x	x

Yards specified are required yard, unless otherwise provided by note [b].

Prohibitions apply only in RS, RT, and RA Districts.

x = Prohibited

[a] See also separate regulations for this use in this chapter or in Chapter 1210 or 1250.

[b] This prohibition applies to the actual yard, as defined herein.

[c] Maximum 50 square feet.

(Ord. 148-1995. Passed 12-11-95; Ord. 88-1999. Passed 5-24-99.)

**Title 2 : Zoning / Chapter 1150 Sexually Oriented Businesses**

**Chapter 1150  
Sexually Oriented Businesses**

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1150.01	Definitions
1150.02	Sexually oriented business uses

**CROSS REFERENCES**

Obscenity (pornography) - see Ohio R.C. 2907.31 et seq.

Abusing or contributing to the delinquency of a child - see GEN. OFF. 630.03

Child molesting or attempt - see GEN. OFF. 630.05

Sex related offenses - see GEN. OFF. Ch. 666

**Title 2 : Zoning / Chapter 1150 Sexually Oriented Businesses / 1150.01 Definitions**

## 1150.01 Definitions

The definitions contained in this section shall be applicable to this chapter, together with the definitions contained in Chapter 1360 of this Development Code and any other definitions contained in this Code

(a) “Adult arcade” means any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

(b) “Adult bookstore” or “adult video store” means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or described specified sexual activities or specified anatomical areas; or

(2) Instruments, devices, or paraphernalia, other than medical or contraceptive devices, which are designed for use in connection with specified sexual activities.

(c) “Adult cabaret” means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(1) Persons who appear in a state of nudity; or

(2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

(3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(d) “Adult motion picture theater” means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, are regularly shown.

(e) “Adult theater” means a theater, concert hall, auditorium, or similar commercial

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establishment which regularly features persons who appear in a state of nudity, or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

(f) “Nude model studio” means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided solely to be sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

(g) “Nudity” or a “state of nudity” means:

(1) The appearance of a human bare buttock, anus, genitals, or areola of the female breast; or

(2) A state of dress which fails to cover opaquely a human buttock, anus, or genitals, or areola of the female breast.

(h) “Sexually oriented business” means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theater or adult theater. "Sexually oriented business" does not include a nude model studio.

(i) “Specified anatomical areas” means human genitals.

(j) “Specified sexual activities” means any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

(3) Masturbation, actual or simulated.

(Ord. 150-96. Passed 10-28-96)

**Title 2 : Zoning / Chapter 1150 Sexually Oriented Businesses / 1150.02 Sexually Oriented Business Uses**

**1150.02 Sexually Oriented Business Uses**

(a) A sexually oriented business shall be located only in accordance with the following restrictions:

(1) No such business shall be located on any parcel within 700 feet of any Residential

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District located within the boundaries of the City or any adjoining city or township;

(2) No such business shall be located on any parcel within 1,000 feet of any library, private or public elementary or secondary school, pre-school, day care center, public park or church located within the boundaries of the City or any adjoining city or township;

(3) No such business shall be located on any parcel within 1,000 feet of another sexually oriented business located within the boundaries of the City or any adjoining city or township;

(4) Such businesses shall only be located in C-4, I-1, I-2 and I-3 Districts.

(b) For the purposes of subsection (a) hereof, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, Residential District, or residential lot.

(c) For the purposes of subsection (a) hereof, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects from the closet exterior wall of the structure in which each business is located.

(d) No person shall establish, operate or cause the establishment or operation of any sexually oriented business in violation of the provisions of this section. Nothing in this section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational or scientific value.

(e) Notwithstanding Chapter 1340 of this Development Code, any sexually oriented business lawfully operating on the effective date of this chapter that is in violation of this chapter shall be deemed a nonconforming use. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a church, public or private elementary or secondary school, public park or library within 1,000 feet, or a Residential District or use within 500 feet, of the sexually oriented business. When a nonconforming sexually oriented business use of a structure or premises is voluntarily discontinued or abandoned for more than six months, the structure, building, or premises shall not thereafter be used except in conformity with the subdivision of uses for the use district in which it is located. Chapter 1340 of this Development Code shall supplement this subsection (e) when there is not a direct conflict between these Code provisions. (Ord. 150-96. Passed 10-28-96; Ord. 60-1997. Passed 4-14-97)

**Title 3 : Land Planning and Improvements**



# Title 3 : Land Planning and Improvements

## Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas

### Chapter 1210 Parking, Loading, & Vehicular Areas

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#### Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.01 Purpose and Applicability

#### 1210.01 Purpose and Applicability

##### Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.01 Purpose and Applicability / (a) Purpose

##### (a) Purpose

Parking and loading facilities located off-street are desirable to enhance access to land uses and reduce congestion and hazards on public streets.

Such facilities are, however, often difficult to provide in neighborhoods that were developed before automobile and truck usage and the provision of off-street parking and loading became common. And the provision of off-street facilities can at times even be detrimental to the character of older parts of the City.

The provisions of this chapter therefore attempt to balance the benefits to the City of off-street parking and loading facilities with the physical and economic obstacles to their provision and with the desirability

of retaining Barberton's traditional character.

This chapter sets requirements for off-street parking, loading, and other areas utilized by motor vehicles to reduce congestion and traffic hazards, provide proper access to land uses, and maintain and improve the character of business and residential areas.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.01 Purpose and Applicability / (b) Applicability**

**(b) Applicability**

Applicability of the provisions of this chapter to each type of vehicular area shall be as specified below.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.01 Purpose and Applicability / (b) Applicability / (1) Off-Street Parking Areas**  
*(1) Off-Street Parking Areas*

Section 1210.02

Section 1210.03

Section 1210.04

Section 1210.05

Section 1210.06

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.01 Purpose and Applicability / (b) Applicability / (2) Off-Street Loading Areas**  
*(2) Off-Street Loading Areas*

Section 1210.02

Section 1210.03

Section 1210.08

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.01 Purpose and Applicability / (b) Applicability / (3) Off-Street Stacking Areas**  
*(3) Off-Street Stacking Areas*

Section 1210.02

Section 1210.07

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.01 Purpose and Applicability / (b) Applicability / (4) All Other Vehicular Areas  
(4) All Other Vehicular Areas**

Section 1210.02

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.02 Provisions Applying to All Vehicular Areas**

**1210.02 Provisions Applying to All Vehicular Areas**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.02 Provisions Applying to All Vehicular Areas / (a) Applicability**

**(a) Applicability**

The requirements of this section shall apply to off-street parking areas, off-street loading areas, stacking areas, and all other vehicular areas, as defined herein.

Areas that are regularly used as parking, loading, stacking, or other vehicular areas shall be considered to be such areas whether or not formally designated for such purpose.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.02 Provisions Applying to All Vehicular Areas / (b) Use of Vehicular Areas**

**(b) Use of Vehicular Areas**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.02 Provisions Applying to All Vehicular Areas / (b) Use of Vehicular Areas / (1) Allowable Uses**

**(1) Allowable Uses**

Except as otherwise provided herein, vehicular areas shall be used solely for:

- A. parking or stacking of motor vehicles of patrons, residents, occupants, guests, visitors, employees, proprietors, officers, or suppliers of the use they serve
- B. loading and unloading for such use
- C. vehicle circulation and maneuvering
- D. other customary accessory uses thereto, and
- E. temporary parking by authorized construction, maintenance, or repair personnel or public service or utility personnel.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.02 Provisions Applying to All Vehicular Areas / (b) Use of Vehicular Areas / (2) Specifically Prohibited Uses**

***(2) Specifically Prohibited Uses***

Except as permitted in division (b)(3), there shall be in vehicular areas no:

- A. offering or display of vehicles or other merchandise for sale, rent, or lease, or
- B. storage of any kind, or
- C. motor vehicle dismantling, repair, restoration, or servicing work, nor storage of vehicles undergoing such work.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.02 Provisions Applying to All Vehicular Areas / (b) Use of Vehicular Areas / (3) Exceptions**

***(3) Exceptions***

Uses prohibited in division (b)(2) shall be permitted as provided herein.

- A. Vehicle sale, rental, storage, or repair shall be permitted respectively on the premises of lawful businesses engaged in such sale, storage, or repair, subject to division 1130.01(c)(2)
- B. Vehicle repair shall be permitted to repair or service a disabled vehicle for no more than 72 hours in emergency situations
- C. Retail sales shall be permitted in a parking structure as:
  - 1. incidental retail that is an Accessory Use for the convenience of parkers, such as

vending machines or a newsstand, or

2. ground floor retail uses within a parking structure, where such uses are allowed by the regulations of the applicable district.

D. Any prohibited use shall be permitted as an incidental non-commercial Accessory Use to single- and two-family detached or attached or townhouse dwellings or as otherwise permitted under City regulations, except that only incidental servicing, as defined herein, of motor vehicles shall be so permitted

E. Any prohibited use may be allowed as a Temporary Use under division (b)(4) of this Section.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.02 Provisions Applying to All Vehicular Areas / (b) Use of Vehicular Areas / (4) Temporary Uses**

***(4) Temporary Uses***

Vehicular areas shall be used temporarily for other than the purposes specified in division (b)(1)--such as for carnivals, farmers' markets, or Christmas tree or other merchandise sales--only if authorized as a Temporary Use under division 1310.04(a).

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.02 Provisions Applying to All Vehicular Areas / (c) Grading and Surfacing**

***(c) Grading and Surfacing***

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.02 Provisions Applying to All Vehicular Areas / (c) Grading and Surfacing / (1) Requirement**

***(1) Requirement***

All permanent vehicular areas shall be graded for proper drainage. Storm water runoff shall be discharged into City storm sewers or in an-other manner approved by the Service Director.

Except as provided in division (c)(2), all new vehicular areas shall be surfaced with Portland cement concrete, asphaltic concrete, brick, paving block, or other all-weather, dust-free, hardsurfaced material approved by the Building Commissioner, not including gravel or loose fill. All driveway approaches must be approved by the City Engineer.

Load bearing capacity for loading area surfacing shall be as approved by the Service Director.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.02 Provisions Applying to All Vehicular Areas / (c) Grading and Surfacing / (2) Exceptions**

**(2) Exceptions**

**A. I-3 District**

On a lot in the I-3 Heavy Industrial District, no surfacing shall be required for any part of a vehicular area located more than 200 feet from a Residential District.

**B. Deficient Storm Water Facilities**

The requirement for surfacing shall be deferred on a property if the Service Director determines that City storm sewers or other drainage facilities are currently inadequate to handle the run-off that would be added by the surfacing.

Surfacing shall be required at such time as facilities have been provided adequate to handle such runoff.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.02 Provisions Applying to All Vehicular Areas / (d) Maintenance**

**(d) Maintenance**

All vehicular areas shall be maintained free of dust, trash, and debris.

Vehicular areas in current use shall be cleared of snow within a reasonable time after snowfalls.

The surfacing, curbing, wheel stops, lighting fixtures, marking, signage, and related appurtenances shall be maintained in good condition so long as such areas are used as vehicular areas.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.02 Provisions Applying to All Vehicular Areas / (e) Landscaping and Screening**

**(e) Landscaping and Screening**

Landscaping and screening of vehicular areas shall be as provided in Chapter 1220, Landscaping and Screening.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.02 Provisions Applying to All Vehicular Areas / (f) Driveways and Curb Cuts**

**(f) Driveways and Curb Cuts**

Driveways to vehicular areas shall be subject to the provisions of division 1240.02(f) in Chapter 1240, Other Planning and Improvements Standards.

(Ord. 50-2001. Passed 4-23-01.)

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas**

**1210.03 Provisions Applying to Parking and Loading Areas**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (a) Applicability**

**(a) Applicability**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (a) Applicability / (1) To Uses**

**(1) To Uses**

Off-street parking and loading shall be provided in conformance with Tables 1210A - 1210D and other provisions herein for:

- A. all uses established after the date of effect of this chapter, and
- B. all existing uses that are conforming in the number of parking spaces and that are:
  - 1. enlarged or expanded, or
  - 2. otherwise changed in density, intensity, capacity, or other measure that determines requirements hereunder, or
  - 3. changed to any other use to which different parking or loading requirements herein

apply.

No additional spaces shall be required for expansion or change of a use if the standards herein would require an increase over the spaces already provided of below 15 percent.

Parking for changed, enlarged, or expanded uses that are nonconforming in the number of parking spaces shall conform to Table 1340A.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (a) Applicability / (2) To Spaces**

*(2) To Spaces*

The requirements herein shall apply to any provision, removal, enlargement, alteration, maintenance, or use of any off-street parking or loading spaces or areas that either:

A. are existing as of the effective date of these regulations, or

B. are new spaces or areas required to be provided or voluntarily provided in excess of the requirements herein.

The requirements apply to parking that is either a Principal or Accessory Use.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (a) Applicability / (3) To Open Sales Lots**

*(3) To Open Sales Lots*

Open sales lots or storage lots for motor vehicles shall not be considered as parking.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (b) Exceptions to Parking and**

**(b) Exceptions to Parking and**

Loading Requirements

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (b) Exceptions to Parking**



**and / (1) Variances**  
*(1) Variances*

Variances to parking and loading requirements may be approved as Variances under division 1310.03(a).

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (b) Exceptions to Parking and / (2) Alternative Space Needs Data**  
*(2) Alternative Space Needs Data*

The Planning Commission may approve exceptions to parking and loading requirements as a Special Exception under division 1310.03(b) on the basis of submission by the applicant of parking or loading demand studies, documented industry standards, or other evidence of fact or expert opinion satisfactory to the Commission that:

- A. peak parking demand for the use necessitates fewer spaces than required herein, or
- B. other requirements of this chapter are inapplicable to the particular use.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (b) Exceptions to Parking and / (3) C-D District**  
*(3) C-D District*

No off-street parking or loading spaces shall be required for any use in the C-D Downtown Commercial District. This exemption is made in order to minimize curb cuts disruptive to safe and efficient pedestrian circulation and to encourage provision Downtown, where land for parking is limited, of public parking spaces in centralized locations.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (b) Exceptions to Parking and / (4) Time-Shared Parking or Loading**  
*(4) Time-Shared Parking or Loading*

**A. Eligibility**

The Planning Commission may, as a Special Exception under division 1310.03(b), credit off-street parking or loading spaces that are provided for one use toward the spaces required herein for another use that normally uses them at different times of the day, week, and/or year upon

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request of an applicant and subject to the requirements of this division.

If the Commission determines that any use proposing to share spaces provided for another use is likely to regularly utilize such spaces during all or most of the same time periods, it shall disallow the crediting of such spaces.

**B. Location of Shared Parking**

Credited parking spaces shall be located no further from the additional use(s) to which they are to be credited than the distances specified in division 1210.06(b)(2), Distance From Use.

**C. Agreement**

Credited spaces shall be included in a written agreement filed with the Commission and approved as legally sufficient by the Director of Law.

1. Users

The agreement shall allow the utilization of credited spaces by the additional use(s) to which they are to be credited and specify the times, if any, to which such utilization is restricted.

2. Times of Use

The agreement shall specify the type of establishment and hours, days, or periods during the year during which spaces proposed for crediting are normally used thereby seven days a week for both the use(s) for which the spaces are provided and for the use(s) to which they are also to be credited hereunder.

3. Spaces Not Reserved

The agreement shall specify that no space to be credited shall be a reserved parking space, as defined herein, 24 hours a day.

**D. Signage**

A directional sign at each entrance to the facility shall indicate the availability of the spaces therein to each use to which they have been credited together with the limitations on when they may be occupied for each such use.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (c) Preservation of Existing Spaces**

**(c) Preservation of Existing Spaces**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (c) Preservation of Existing Spaces / (1) Reduction in Compliance Prohibited**

***(1) Reduction in Compliance Prohibited***

No off-street parking or loading spaces or areas provided in full or partial conformity with the provisions of these or previous regulations, shall be reduced in size, number, or other characteristic below or further below the requirements herein so long as the use they serve continues in operation unless they are replaced with equivalent spaces.

A use that undergoes a reduction in floor area or other measure specified herein for determining the number of required spaces may nonetheless reduce the number of spaces to those required herein for the smaller use.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (c) Preservation of Existing Spaces / (2) Current Lease or Agreement Required**

***(2) Current Lease or Agreement Required***

A party providing required spaces through a lease or other agreement under division 1210.04(c)(2) or (c)(3) shall possess a currently valid lease or other agreement therefor at all times that the use remains in operation.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (c) Preservation of Existing Spaces / (3) Conversion of Residential Garages**

***(3) Conversion of Residential Garages***

Residential garages shall not be converted into non-parking use if the level of compliance with parking requirements herein will be reduced, or the degree of nonconformity increased, after such conversion.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (d) Illumination**

**(d) Illumination**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (d) Illumination / (1) Intensity**

**(1) Intensity**

Uses providing illuminated open parking spaces or loading spaces shall provide not less than 0.2 footcandles of illumination at the surface of each parking space.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (d) Illumination / (2) Glare**

**(2) Glare**

Illumination shall be shielded, diffused, or indirect so as not to produce glare on abutting lots or public streets.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (d) Illumination / (3) Hours**

**(3) Hours**

No later than 30 minutes after the close of the parking or loading facility or of all the uses it serves, lighting facilities for off-street parking and loading areas shall be extinguished or, if needed for security in the judgment of either the parking provider or the Building Commissioner, reduced to an intensity approved by the City Engineer.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (e) Access**

**(e) Access**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (e) Access / (1) Access from Street**

*(1) Access from Street*

Each off-street parking and loading area shall have vehicular access to and from a public street or alley in a manner that will least interfere with traffic movement thereupon.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (e) Access / (2) Aisle or Drive Required**

*(2) Aisle or Drive Required*

Each required off-street parking space and loading space not having direct access to a street or alley shall open directly upon an aisle or driveway of such width and design as to provide a safe and efficient means of vehicular access.

Dimensions of aisles shall be as provided in Table 1210D. Dimensions of driveways shall be as provided in Table 1240E.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (e) Access / (3) Small Parking Areas Exempt**

*(3) Small Parking Areas Exempt*

Uses required hereunder to provide 6 or fewer parking spaces or less than 2 loading spaces are exempt from the requirements of division (e)(2) as they apply to parking spaces or loading spaces, respectively.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (e) Access / (4) Tandem Parking Exempt**

*(4) Tandem Parking Exempt*

Tandem parking spaces, as defined herein, shall be allowed for parking or loading only:

- A. for valet parking, as also defined herein, or
- B. for parking used exclusively by parkers who normally leave the parking facility at the same time, such as parking for sporting or entertainment events or worship services, or
- C. for all parking spaces provided for the exclusive use of any individual single-, two-, or multiple-family residential dwelling unit except the first space provided therefor.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (e) Access / (5) Forward Vehicular Motion**

***(5) Forward Vehicular Motion***

Off-street parking areas, except for uses providing 6 or fewer parking spaces, and off-street loading areas shall be designed to enable vehicles to enter or leave them moving in a forward direction. Space for vehicle maneuvering necessary for compliance herewith shall be provided on the lot.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (e) Access / (6) Dead-End Aisles**

***(6) Dead-End Aisles***

Except in the case of attended parking areas, as defined herein, spaces at the end of deadend aisles shall be provided with back-up space for the vehicles parked therein that has been approved as sufficient by the City Engineer.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (f) Other Provisions**

**(f) Other Provisions**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (f) Other Provisions / (1) Spaces Credited to a Single Use**

***(1) Spaces Credited to a Single Use***

No parking or loading space shall be credited as a required parking or loading space for more than one use---or as both a parking space and a loading space for the same use---except for spaces qualifying as Time- Shared Parking or Loading under division (b)(4) of this section.

Required parking spaces may, however, be available as parking spaces to more than one use, as in shopping center parking lots or City parking facilities.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (f) Other Provisions / (2)**

**Site Plan Required**

*(2) Site Plan Required*

A Site Plan showing off-street parking and loading facilities shall be required as provided in Table 1320C.

The Building Commissioner may defer this requirement in any instance in which the specific use of the premises, and therefore the specific parking and loading requirements applicable, are not yet determined, such as may be the case for an industrial subdivision.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (f) Other Provisions / (3) Temporary Parking or Loading Areas**

*(3) Temporary Parking or Loading Areas*

A temporary off-street parking or loading area not conforming to one or more requirements of this chapter may be approved as a Temporary Use under division 1310.04(a).

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (f) Other Provisions / (4) Occasional Parking or Loading Areas**

*(4) Occasional Parking or Loading Areas*

Off-street parking or loading areas that do not conform to one or more requirements of this chapter may be approved by the Planning Commission as a Special Exception under division 1310.03(b) if they are used repeatedly but only on an occasional, non-daily basis.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.03 Provisions Applying to Parking and Loading Areas / (f) Other Provisions / (5) Signs**

*(5) Signs*

All signs accessory to off-street parking and loading areas shall conform to the provisions of Chapter 1230, Sign Regulations.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required**

## 1210.04 Number of Parking Spaces Required

### **Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required / (a) Requirements**

#### **(a) Requirements**

The number of parking spaces required for any use shall be determined by:

- (1) the applicable figures in Tables 1210A and 1210C, and
- (2) reductions to such figures as provided in division (d) of this section.

More than one type of reduction may be applied to a single use. Each such reduction shall be separately computed based on the number of spaces required in Tables 1210A and 1210C.

Spaces required hereunder may be any of the types of spaces specified in division (b) of this section. They may be provided through any of the means specified in division (c) of this section.

### **Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required / (b) Types of Parking Spaces**

#### **(b) Types of Parking Spaces**

Except as specifically provided otherwise in this chapter and subject to applicable regulations therein, any of the types of parking spaces

listed in this division may be used to satisfy in whole or in part the requirements herein to provide off-street parking.

### **Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required / (b) Types of Parking Spaces / (1) Types of Spaces by Location**

#### **(1) Types of Spaces by Location**

##### **A. On-Site Spaces**

On-site spaces are off-street spaces provided on the same lot as the establishment(s) they serve.



**B. Off-Site Spaces**

Off-site spaces are off-street parking spaces provided on a different lot than the establishment(s) they serve and that are subject to the requirements of division 1210.06(b).

**C. On-Street Spaces**

In special circumstances only, on-street spaces may be credited toward a requirement for off-street parking as provided in division (d)(2)D of this section.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required / (b) Types of Parking Spaces / (2) Other Types of Spaces**

*(2) Other Types of Spaces*

Required parking spaces may be either free or paid parking. Required spaces for employees and residents shall be without time limit; other spaces may have time limits. Required spaces may be in open surface parking or in structures.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required / (c) Options for Parking Space Provision**

**(c) Options for Parking Space Provision**

Except as specifically provided otherwise herein, the requirement herein for a use to provide the number of off-street parking spaces specified in division (a) of this section may be satisfied in any of three ways.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required / (c) Options for Parking Space Provision / (1) Direct Provision by the Use**

*(1) Direct Provision by the Use*

A use or property owner may install and maintain parking spaces on land it controls.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required / (c) Options for Parking Space Provision / (2) Leases or Other Agreements**

*(2) Leases or Other Agreements*

A use may obtain required parking spaces under a lease, an agreement for Time-Shared Parking under division 1210.03(b)(4), or another agreement for the provision of spaces that are under different ownership or control than the use they serve.

Such agreement shall have been approved for legal sufficiency by the Director of Law, shall confirm the availability of the spaces to the use, and shall be transferable to subsequent uses on the same property.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required / (c) Options for Parking Space Provision / (3) Financial Support of Multi-User Parking**  
*(3) Financial Support of Multi-User Parking*

If approved by the Planning Commission as a Special Exception, a use may provide partial financial support for installation and maintenance of parking spaces provided jointly for multiple uses, such as in City parking lots or multi-user private lots.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required / (d) Reductions in Number of Spaces**  
**(d) Reductions in Number of Spaces**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required / (d) Reductions in Number of Spaces / (1) Administration**  
*(1) Administration*

**A. Applicant Must Establish Eligibility**

The applicant for any reduction in number of spaces under this division (d) shall be completely responsible

for providing, and certifying in an affidavit to the completeness and accuracy of, all data and information required to establish eligibility therefor.

**B. Reporting of Reductions**

Any action taken to reduce the number of required parking spaces under division (d) shall be reported in writing within 5 days of the action to the Building Commissioner.

**C. Change in Eligibility for Reduction**

A use that provides a reduced number of spaces as permitted herein but ceases to comply with the applicable requirements therefor for any reason and does not then supply the number of spaces required without the reduction, shall become nonconforming with respect to the number of spaces. A parking reserve area under division (e) may be required in order to prevent such nonconformity.

A use that did not initially comply with the requirements for a reduction, including the required approval specified, but that later complies, shall qualify for the reduction subject to the other provisions herein.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required / (d) Reductions in Number of Spaces / (2) Types of Reductions**

*(2) Types of Reductions*

**A. Uses Sharing Patrons and Employees**

The Building Commissioner may find based on data submitted by the applicant that a use requiring parking is combined with a second use utilizing the same parking area that:

1. serves as a subsidiary use, and
2. shares all its employees with the first use, and
3. is normally utilized by customers, visitors, or employees only as part of a stop to utilize the first use.

Upon making such findings, he or she shall waive the spaces required for the second use.

For example, a service station with a convenience food store that is sub-sidiary to the station, is normally patronized only while doing business with the service station, and is serviced by the same employees, shall be required to provide only the spaces required for the service station.

**B. Captive Market Uses**

The Planning Commission may determine that a use not qualifying under division (d)(2) does not require the normal amount of parking because it benefits from a captive market.

With a captive market, a use draws a significant number of customers or visitors who do not arrive at the use by motor vehicle because the use is located on the same lot as, or within walking

distance of, a second use or uses that generate such customer or visitor traffic.

For example, a restaurant located in an office building may draw some customers from the offices therein and may not therefore require parking for those customers. Or a convenience market may be located close enough to a concentration of housing to draw pedestrian traffic therefrom.

The Commission may in such cases reduce the parking required for the first use by an amount approximating the percentage of captive market patronage accounted for by the second use.

### **C. Reduction for Employee Spaces Demand Reduction**

The Planning Commission may reduce the number of spaces required

for the employees of a use if the use submits binding written agreements approved as legally sufficient by the Director of Law for the institution of and continuing maintenance by an employer of programs likely in the judgment of the Commission to significantly reduce demand for employee parking. Such programs may involve car pooling, subsidy of employee bus fares, charging employees for parking, or other measures.

### **D. Reduction for Use of On-Street Spaces**

The Planning Commission may approve as a Special Exception the crediting toward required parking spaces of one on-street space per 20 feet of street frontage located within the applicable distance specified in division 1210.06(b)(2) excluding driveways and no-parking areas. To approve such crediting, the Commission shall find that:

1. such spaces will be reasonably available to the use, and
2. without such crediting, provision of the required number of spaces less all other applicable reductions provided by this division is impractical.

### **E. Reduction for Senior Housing**

The Planning Commission may as a Special Exception reduce by no more than 50 percent the number of spaces required for multi-family residential buildings upon finding that:

1. such buildings consist of not less than 90 percent senior citizen dwelling units, as defined herein, and
2. probable lower vehicle ownership among residents as evidenced by data submitted by the applicant will reduce resident parking demand.

### **F. Reduction Under PUD**

The number of required spaces may be reduced for a development approved under

Planned Unit Development procedures as provided in Section 1310.06.

### **G. Other Reductions**

The number of required spaces may be reduced on the basis of alternative data on parking space needs under division 1210.03(b)(2), timeshared parking under division 1210.03(b)(4), or by Variance under division 1210.03(a)(1).

## **Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required / (e) Parking Reserve Areas**

### **(e) Parking Reserve Areas**

#### **Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required / (e) Parking Reserve Areas / (1) When Required**

##### *(1) When Required*

An on- or off-site open area reserved for possible future conversion to parking may be required as a condition of a reduction in the number of required parking spaces under division 1210.03(b) or 1210.04(d) or other provision of this Code.

In determining whether to require such an area, the applicable Review Body shall consider:

- A. the likelihood of a future need for additional parking, and
- B. the availability of land therefor either on the site or within the distances specified for off-site parking in division 1210.06(b)(2).

#### **Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required / (e) Parking Reserve Areas / (2) Size of Reserve Area**

##### *(2) Size of Reserve Area*

The reserve area shall be large enough to accommodate in surface parking a number of parking spaces equal to the difference between:

- A. the number of spaces provided for the use and
- B. the number required by Table 1210A or 1210C without the reduction(s) that require a reserve area.

The Site Plan required by Table 1320C shall show the boundaries of the reserve area.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required / (e) Parking Reserve Areas / (3) Use of Reserve Area**

***(3) Use of Reserve Area***

A parking reserve area shall be used only for open space, outdoor recreation, outside storage where permitted, or other purposes that would not impose significant obstacles to its later conversion to parking. Vegetative ground cover shall be installed and maintained in all areas not requiring a different surface for any such use.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required / (e) Parking Reserve Areas / (4) Other Requirements**

***(4) Other Requirements***

A parking reserve area shall be sized, located, and otherwise arranged so as to allow, upon its conversion to parking, conformance to all requirements of City regulations that applied to off-street parking at the time of its original installation.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.04 Number of Parking Spaces Required / (e) Parking Reserve Areas / (5) Covenant and Guarantee**

***(5) Covenant and Guarantee***

Prior to the issuance of a Certificate of Compliance for any use required to provide a parking reserve area, the applicant for the Certificate shall execute and record with the Summit or Wayne County Recorder, as applicable, a covenant running with the land for the benefit of the City of Barberton.

The covenant shall specify that at such time as the City determines that eligibility has ceased for an applicable parking space reduction utilized on the property, the property owner will install the number of reserve spaces, or any portion thereof specified by the Building Commissioner, within 90 days of the date of the Commissioner's written request or within any extension thereof that he or she may grant.

The Commissioner shall make such request only upon determining that the spaces required to

be installed are necessary to achieve the purposes of this chapter. The covenant shall remain in effect until the number of reserve spaces has been reduced to zero.

The property owner shall provide a financial guarantee of future installation of parking in the reserve area until such time as the City has determined the reserve area is no longer needed for additional parking. The guarantee shall conform to the requirements of Section 1350.02.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.05 Parking of Special Vehicles**

**1210.05 Parking of Special Vehicles**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.05 Parking of Special Vehicles / (a) Parking of Commercial Vehicles**

**(a) Parking of Commercial Vehicles**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.05 Parking of Special Vehicles / (a) Parking of Commercial Vehicles / (1) Applicability**

*(1) Applicability*

The requirements of this division (a) shall apply to all commercial vehicles, as defined herein, including those that are restorable vehicles, as also defined herein.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.05 Parking of Special Vehicles / (a) Parking of Commercial Vehicles / (2) In Residential Districts**

*(2) In Residential Districts*

**A. Restricted Vehicles**

There shall not be parked or stored on a lot in a Single- or Two-Family Residential District:

1. any commercial vehicle weighing more than 9,000 pounds unloaded, or

2. over 1 commercial vehicle below such weight per dwelling unit, or
3. any trailer not used for recreational purposes, such as to tow a boat or snowmobile.

**B. Exceptions**

Notwithstanding division (a)(2)A, any vehicle specified therein may be parked or stored:

1. in an enclosed building that conforms to regulations applicable in the District, or
2. temporarily for loading or unloading of household belongings for the purpose of moving a residence, or
3. temporarily for deliveries, repairs, construction, landscaping, earth moving, maintenance, garbage pickup, or utility or service calls.

**C. Other Regulations**

No vehicle of any kind parked or stored in any Residential District shall by virtue of its contents or of the activities associated with it create health or safety hazards or nuisances affecting neighboring properties.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.05 Parking of Special Vehicles / (a) Parking of Commercial Vehicles / (3) In Other Districts**

*(3) In Other Districts*

There shall be no restrictions on parking or storage of commercial vehicles in non-residential districts other than as provided in division 1210.06(a) or elsewhere in City regulations.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.05 Parking of Special Vehicles / (b) Parking of Recreational Vehicles**

**(b) Parking of Recreational Vehicles**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.05 Parking of Special Vehicles / (b) Parking of Recreational Vehicles / (1) In Residential Districts**

*(1) In Residential Districts*

A single recreational vehicle, as defined herein, per dwelling unit may be parked or stored for

:"American Legal Publishing Corporation"



more than 3 consecutive days on a lot in a Residential District subject to the restrictions herein. The provisions herein shall not apply to van conversions.

**A. Not Used as Dwelling**

The vehicle shall not be occupied for living or sleeping purposes while on the lot.

**Please Note: To view the Recreational Vehicle Parking Graphic, see page 1210-13 of the printed version of the Barberton Development Code**

**B. Stored Collapsed**

It shall be stored in its collapsed position if it is a vehicle of the collapsible type not stored in a garage, carport, or covered parking space.

**C. Parking Locations**

1. Short-Term Parking

The vehicle may be parked or stored for no longer than 72 hours in an actual front or corner side yard for purposes of loading or unloading.

2. Long-Term Parking

The vehicle may be parked or stored for over 72 hours only in the locations specified herein.

a. Inside a Structure

The vehicle shall be parked in a garage, carport, or covered parking space, where one exists on the premises large enough to accommodate the vehicle.

b. In Rear or Side Yard

Otherwise, the vehicle shall be parked in the driveway or a widening thereof with surfacing conforming to division 1210.02(c) located in an actual rear or interior side yard behind the front building line and no less than 3 feet from any lot line.

c. Multi-Family

Otherwise, where the dwelling unit does not have its own driveway (as may be the case with multi-family units), the vehicle shall be parked in an open off-street parking space on the premises

outside of an actual front or corner side yard or in an off-street space off the premises.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.05 Parking of Special Vehicles / (b) Parking of Recreational Vehicles / (2) In Other Districts**

***(2) In Other Districts***

There shall be no restrictions on parking of recreational vehicles in non-residential districts.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.05 Parking of Special Vehicles / (c) Parking of Collector Vehicles**

**(c) Parking of Collector Vehicles**

A maximum of 2 restorable vehicles, as defined herein, owned by one or more residents of the premises may be parked in the open on any lot in an RS, RT, or RA District subject to the requirements herein.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.05 Parking of Special Vehicles / (c) Parking of Collector Vehicles / (1) Type of Vehicle**

***(1) Type of Vehicle***

No such vehicle shall be a commercial vehicle, as defined herein.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.05 Parking of Special Vehicles / (c) Parking of Collector Vehicles / (2) Location**  
***(2) Location***

The vehicle shall be located in conformance with the standards for location of recreational vehicles in division (b)(1)C of this section, except that in no case shall such a vehicle be located in an actual front or corner side yard.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.05 Parking of Special Vehicles / (c) Parking of Collector Vehicles / (3) Covering**  
***(3) Covering***

If located in the open, the vehicle shall be concealed with a car cover or comparable covering except while being actively worked on.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.05 Parking of Special Vehicles / (c) Parking of Collector Vehicles / (4) Safety**  
***(4) Safety***

To prevent entry by small children, vehicle doors, tailgates, hatches, and trunk lids shall be either locked or wired shut except while actively being worked on.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.05 Parking of Special Vehicles / (c) Parking of Collector Vehicles / (5) Parts and Tools**

***(5) Parts and Tools***

Detached vehicle parts, materials, and tools shall not be stored in the open.

The provisions of this division shall not be interpreted to allow any business related to the repair, dismantling, restoration, or sale of such vehicles except as may be allowable under other provisions of this Code.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.05 Parking of Special Vehicles / (d) Parking of Junk Vehicles**

***(d) Parking of Junk Vehicles***

No junk vehicle, as defined herein, shall be parked or stored in any district unless it is parked:

(1) entirely within an enclosed building, or

(2) in connection with a motor vehicle servicing or repair shop; dismantling or restoration service; junk, salvage, or wrecking yard; motor vehicle sales establishment; or other business employing such vehicles in its operations.

Junk vehicles parked or stored in the open shall be subject to the screening requirements of Chapter 1220, Landscaping and Screening.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions**

## 1210.06 Other Parking Provisions

### **Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (a) Allowable Open Parking**

#### **(a) Allowable Open Parking**

No motor vehicle, boat, or trailer shall be parked or stored on the premises of any use other than in a completely enclosed structure except:

(1) vehicles owned, leased, temporarily borrowed, or rented by persons or organizations lawfully occupying the premises, and

(2) vehicles proprietors, officers, or employees of organizations occupying the premises used to reach work the same day, and

(3) vehicles of customers, clients, suppliers, contractors, guests, or visitors parked temporarily while visiting occupant persons or organizations or for loading, unloading, moving, construction, maintenance, repair of the premises, or for public service or utility work, and

(4) vehicles awaiting service, repair, or delivery to or pick-up by a customer of a vehicle repair or service establishment that are parked no longer than 72 hours prior to and 72 hours after such service, with no more than 2 such vehicles per service bay parked overnight

(5) vehicles available for sale, rent, or lease on the premises of uses permitted under applicable City regulations to engage in such business.

No unlicensed semi-trailer or other unlicensed commercial vehicle shall be parked or stored in the open on any premises for purposes of storage of any materials therein.

Where off-site parking is permitted hereunder, the premises of a use shall be considered for purposes of this division to include the off-site parking area.

### **Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (b) Off-Site Parking**

#### **(b) Off-Site Parking**

### **Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular**

**Areas / 1210.06 Other Parking Provisions / (b) Off-Site Parking / (1) When Permitted**

***(1) When Permitted***

Except as may be specifically provided other-wise in this Code, in RS, RT, and RA Districts required off-street parking for dwellings shall be provided on the same lot as the use served. Parking spaces within garages or carports and on driveways shall be counted as required spaces for such dwellings.

In all other cases, required parking may be fully or partially provided off-site on a separate lot that is in the same possession by deed, lease, or other written instrument as provided in division 1210.04(c)(2).

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (b) Off-Site Parking / (2) Distance From Use**

***(2) Distance From Use***

Required parking provided off-site shall be located within the distance provided below.

<u>Use Served</u>	<u>Maximum Walking Distance From Use Served in Feet:</u>		
	<u>Spaces For</u>		
	Residents	Customers, Clients & Visitors [a]	Employees [b]
Multi-Family Residential:	400	600	1,500
Commercial, Entertainment,Retail Office:	N/A	400	1,500
Institutional:	N/A	600	1,500
Office/Industrial:	N/A	800	1,500

[a] Valet parking is exempt from this requirement.

[b] The Planning Commission may approve a greater distance for employee parking if shuttle bus or van service is provided during AM and PM peak hours between the parking area and the use with a frequency the Commission deems adequate and if the distance to be walked by an employee using the service does not exceed the table figure.

For purposes of determining the applicability of this division, the Planning Director shall determine how many of the spaces required are to be considered as employee spaces, customer/visitor

spaces, and resident spaces. He or she may require information from the provider for use in making this determination. His or her determination may be appealed as provided in division 1310.03(c).

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (b) Off-Site Parking / (3) Districts Allowed In  
*(3) Districts Allowed In***

In a Residential District, an off-site parking area shall be a Permitted Use if it exclusively serves one or more uses that are Permitted Uses in the same district.

It shall be a Conditional Use if:

- A. it serves a use or uses that are Conditional Uses in the district, or
- B. it is located on a lot within the distances specified in division (b)(2) of a non-residentially zoned lot and exclusively serves such lot.

In non-residential districts, off-site parking areas for any use shall be a Permitted Use.

**Please Note: To view the Parking in Street Yards Graphic, see  
page 1210-16 of the printed version of the Barberton  
Development Code**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (c) Parking In Yards**

**(c) Parking In Yards**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (c) Parking In Yards / (1) Yards Permitted In  
*(1) Yards Permitted In***

**A. Street Yard Parking Prohibited**

In RM Multi-Family Residential, O Office, and I Industrial Districts, Accessory Use parking areas for other than single-or two-family or townhouse dwellings shall not be located in actual front or corner side yards. Such yards shall be landscaped as provided in Chapter 1220.

**B. Yard Parking Permitted**

Except as provided in division (c)(1)A, off-street parking areas may be located in any required or actual yard, subject to the landscaping requirements of Chapter 1220.

**Please Note: To view the Single-Family Parking Graphic, see page 1210-16 of the printed version of the Barberton Development Code**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (c) Parking In Yards / (2) Parking in Residential Yards**

*(2) Parking in Residential Yards*

**A. Coverage**

In RS, RT, and RA Districts, coverage of actual yards by parking areas, driveways, or parked vehicles shall not exceed the figures in the table below.

Actual Yard	Maximum Coverage in Percent of Yard Area
Front or Corner Side:	
RS Districts	25 %
RT, RA Districts	35 %
Interior Side	--
Rear	50 %

**B. Exception**

In RS Districts where there is no attached garage and the dimensions of actual side yards and the absence of an alley preclude vehicular access to the interior side and rear yards, maximum coverage of front and corner side yards shall be 35 percent.

**C. On Driveway Only**

In RS, RT, and RA Districts all motor vehicles not enclosed within a building shall be parked entirely upon a driveway or comparably surfaced widening thereof and shall not encroach upon

any sidewalk.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (d) Interconnection of Parking**

**(d) Interconnection of Parking**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (d) Interconnection of Parking / (1)**

**Interconnection Required**

*(1) Interconnection Required*

To enhance convenience for the public and avoid unnecessary and potentially hazardous turning movements on public streets, an open accessory off-street parking area shall be connected to any other such area or portion thereof it abuts that is located either on the same lot or on an abutting lot.

This requirement shall apply to parking areas serving any retail, personal service, entertainment, retail office, or other office use(s), all as defined herein, open to the public.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (d) Interconnection of Parking / (2) Means of Connection**

*(2) Means of Connection*

Such connection shall be by either:

A. an alley abutting both areas, or

B. an access drive on the lot that allows convenient motor vehicle movement in both directions between the areas without entering the street.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (d) Interconnection of Parking / (3) Easements Required**

*(3) Easements Required*

Easements judged legally sufficient by the Director of Law allowing traffic to move between such parking areas on abutting parcels in different ownership shall be submitted to the Building Commissioner prior to issuance of a Certificate of Compliance for any such parking areas not



connected by an alley.

If the current owner of an abutting lot will not grant such easement, the parking area on the subject lot shall be so designed as to allow such connection in the future.

No off-street parking area, whether or not currently abutting another such parking area, shall be approved without submission of an agreement by the property owner to grant

such easement to any future abutting parking area to which these provisions may apply. Such agreement shall have been approved as legally sufficient by the Director of Law.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (d) Interconnection of Parking / (4) Exceptions  
(4) Exceptions**

The Building Commissioner may exempt a parking area from the requirement for interconnection if he or she determines that inter-connection would not be likely to significant-ly facilitate circulation between nearby uses.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (e) Handicapped Parking Spaces**

**(e) Handicapped Parking Spaces**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (e) Handicapped Parking Spaces / (1) Number  
(1) Number**

All off-street parking areas except those providing only valet parking spaces shall reserve for the handicapped the cumulative number of spaces provided in the table below, rounded upward to the next whole space.

Spaces in Parking Facility	Number of Handicapped Spaces Required Per 25 Spaces or Fraction
First 100 spaces	1
Second 100 spaces	0.5
3rd, 4th, and 5th 100 spaces	0.25

Facilities with from 501 to 1,000 spaces shall provide handicapped spaces totalling 2 percent of

:"American Legal Publishing Corporation"

the spaces in the parking facility. Larger facilities shall provide 20 handicapped spaces plus 1 handicapped space per 100 spaces over 1,000 spaces in the parking facility.

Facilities providing medical care and other services for the mobility-impaired shall in lieu of all foregoing figures provide handicapped spaces totalling 10 percent of the spaces in the parking facility. Facilities specializing in such services shall provide handicapped spaces totalling 20 percent of all spaces in the parking facility.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (e) Handicapped Parking Spaces / (2) Van-Accessible Spaces**

*(2) Van-Accessible Spaces*

One of every 8 handicapped spaces provided shall be van-accessible spaces, with a minimum of one such space per parking facility. Van-accessible spaces are not required to be restricted to use by vans.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (e) Handicapped Parking Spaces / (3) Location**  
*(3) Location*

All such spaces located in on-site Accessory Use parking areas shall be located on the shortest handicapped-accessible route to the single handicapped-accessible building entrance of the Principal Use.

All such spaces that are in Principal Use parking areas or Accessory Use off-site parking areas shall be located on the shortest handicapped-accessible route to the single elevator, wheelchair ramp, or other point of barrier-free access to the single handicapped-accessible entrance to the parking facility. In facilities having more than one handicapped-accessible entrance, such spaces shall be located on the shortest handicapped-accessible routes to all such entrances.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (e) Handicapped Parking Spaces / (4) Signage**  
*(4) Signage*

All handicapped spaces shall display a sign bearing the symbol of accessibility in a location that cannot be obscured by a parked vehicle. Van-accessible spaces shall in addition display below the symbol of accessibility the words "Van-Accessible."

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (e) Handicapped Parking Spaces / (5) Valet Parking**

***(5) Valet Parking***

Facilities having only valet parking spaces shall provide a passenger loading area on a handicapped-accessible route to the entrance to the use served.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (e) Handicapped Parking Spaces / (6) Dimensions**  
***(6) Dimensions***

Handicapped spaces shall conform to the dimensions specified in Table 1210D.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (f) Other Parking Requirements**

***(f) Other Parking Requirements***

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (f) Other Parking Requirements / (1) Small Car Spaces**

***(1) Small Car Spaces***

Up to 30 percent of the following kinds of required off-street parking spaces may be of small car parking space dimensions as provided in Table 1210D:

- A. employee spaces, as determined by the Planning Director
- B. lodging guest or resident spaces located in a parking structure.

Such spaces shall be identified by signage as intended for small cars only.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (f) Other Parking Requirements / (2) Marking**  
***(2) Marking***

**A. Marking Required**

All permanent off-street parking spaces shall be marked by durable painted lines, tiles, curbs, or other means approved by the Building Commissioner that clearly designates individual spaces and distinguishes such spaces from maneuvering, loading, open sales or storage, or other areas on the lot or in the structure.

**B. Exemptions**

Marking shall not be required for:

1. parking spaces established for exclusive use of individual single- or two-family structures or individual single-family attached or townhouse dwellings, or
2. tandem parking spaces, as defined herein, or
3. parking spaces at service station fuel pumps and other spaces that are not customarily marked
4. temporary spaces established under division 1210.03(f)(3)
5. occasional spaces established under division 1210.03(f)(4).

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (f) Other Parking Requirements / (3) Wheel Stops or Curbing**

*(3) Wheel Stops or Curbing*

**A. Where Required**

Where open parking spaces are so located that vehicles parked therein might extend beyond the parking surface--such as onto streets, sidewalks, other pedestrian ways, landscaped areas, screening, or abutting lots in different ownership--there shall be installed concrete wheel stops or curbing or other means of restraint approved by the Building Commissioner to prevent such encroachment.

The Commissioner shall not approve highway guard rail type structures for this purpose except where he or she determines such structures necessary for public safety.

**B. Exemption**

This requirement shall not apply to uses with 6 or fewer parking spaces.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular**

**Areas / 1210.06 Other Parking Provisions / (f) Other Parking Requirements / (4) Off-Site Space Rental**

*(4) Off-Site Space Rental*

No more than two parking spaces on a lot in an RS, RT, or RA District may be rented to a person not resident thereupon for the parking of a vehicle, and such vehicle shall not be a commercial vehicle. Such spaces shall conform to all applicable requirements herein for on-site spaces.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (f) Other Parking Requirements / (5) Parking Structures**

*(5) Parking Structures*

Structures providing parking shall conform to the standards for building height, yards, and other requirements for Principal or Accessory Use buildings, as applicable, of the applicable district.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.06 Other Parking Provisions / (f) Other Parking Requirements / (6) Other Regulations**

*(6) Other Regulations*

Off-street parking areas shall conform to the requirements for vehicular areas in Section 1210.02 and for parking and loading areas in Section 1210.03.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.07 Off-Street Stacking**

## **1210.07 Off-Street Stacking**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.07 Off-Street Stacking / (a) Dimensions**

**(a) Dimensions**

Stacking spaces, as defined herein, shall be no less than the following dimensions:

Width: 10 feet

Depth: 20 feet.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.07 Off-Street Stacking / (b) Number of Spaces**

**(b) Number of Spaces**

The number of stacking spaces required shall be as provided below.

<u>Use</u>	<u>Number of Spaces Required</u>	<u>Location of Spaces</u>
Car Wash	10	At vehicular entrance to building
	1	At vehicular exit from building
-----		
Drive-Through Establishment station [b]	5	Between entrance street [a] and first station [b]
	2 [c]	Between first [b] and last [d] stations
	1	Between last station [d] and exit street [e]

[a] The right-of-way of the street from which vehicles enter the drive-through lane.

[b] The station abutting each drive-through lane closest to the entrance to such lane from the street. The space opposite this station shall be credited toward this requirement.

[c] Shall not apply to drive-throughs having only one station.

[d] The station abutting each drive-through lane closest to the exit from such lane to the street. The spaces opposite this station or any other station other than the first shall be credited toward this requirement.

[e] The right-of-way of the street into which vehicles exit from the drive-through lane.

The Building Commissioner may reduce the number of spaces required if the City Engineer makes a written finding based on a traffic analysis submitted by the applicant that such reduction will not normally result in congestion or traffic hazards on public streets.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.07 Off-Street Stacking / (c) Other Regulations**

**(c) Other Regulations**

Stacking areas shall conform to the requirements for vehicular areas in Section 1210.02.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.08 Off-Street Loading**

**1210.08 Off-Street Loading**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.08 Off-Street Loading / (a) Location**

**(a) Location**

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.08 Off-Street Loading / (a) Location / (1) On Same Lot**

***(1) On Same Lot***

Off-street loading spaces shall be located on the same lot as the use to be served, except as otherwise specifically permitted herein.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.08 Off-Street Loading / (a) Location / (2) In Rear Yards Only**

***(2) In Rear Yards Only***

Loading spaces shall be located outside of:

- A. required front yards
- B. required side yards, and
- C. any required yard abutting a lot in a Residential District.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.08 Off-Street Loading / (a) Location / (3) No Projection Into Street**

***(3) No Projection Into Street***

Except as provided in division (a)(5), loading spaces and related maneuvering areas shall be located or provided with suitable barriers so that no portion of a parked vehicle shall project across a public sidewalk or into a street or alley.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.08 Off-Street Loading / (a) Location / (4) Within Building**  
***(4) Within Building***

Loading spaces may be located outside of or within a building.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.08 Off-Street Loading / (a) Location / (5) In Alley**  
***(5) In Alley***

Loading spaces may be provided in an alley or on the street if the Building Commissioner determines that off-street provision is impractical.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.08 Off-Street Loading / (b) Number and Dimensions**

***(b) Number and Dimensions***

Numbers and dimensions of off-street loading spaces shall be as provided in Tables 1210B and 1210D.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / 1210.08 Off-Street Loading / (c) Other Regulations**

***(c) Other Regulations***

Off-street loading areas shall conform to the requirements for vehicular areas in Section 1210.02 and for parking and loading areas in Section 1210.03.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / Table 1210A: Required Number of Off-Street Parking Spaces for Residential & Lodging Uses**

**Table 1210A: Required Number of Off-Street**



## Parking Spaces for Residential & Lodging Uses

### Minimum Number of Spaces Required Per Dwelling or Lodging Unit

RESIDENTIAL [a] [b]

Efficiency Units	1.25 [c]
1-Bedroom Units	1.5 [c]
All Other Units	2.0
Small Existing Lots [d]	0
Home Occupations	[e]
Lofts	[e]

LODGING [b] [f]

Bed & Breakfast	1
Hotel or Motel	1 [g]
Apartment Hotel	1
Rooming House [h]	0.5

Requirements may be reduced under 1210.04(d).

Requirements do not apply in C-D District.

See also Table 1210C for spaces for other uses.

Fractional spaces shall be rounded to the nearest integer, except that all values greater than zero and less than one shall be rounded to one.

[a] Includes single- and two-family detached or attached, townhouses, apartments, group homes, and manufactured homes. Required spaces include visi-tor parking but shall be increased by 1 space for each roomer or lodger with a car on the premises.

[b] One space for each truck or business vehicle employed by an establishment on the premises shall be provided in addition to the number of spaces indicated in this table.

[c] In manufactured home parks, the requirement of the Ohio Department of Health for 2.0 spaces will

supercede this requirement.

[d] Single- or two-family detached dwellings on existing lots of record having a lot width of less than 60 feet and lacking access to an alley.

[e] See Table 1210C.

[f] Plus 1 space per employee on largest shift.

[g] Plus spaces for any restaurant, tavern, nightclub, retail, and meeting rooms. Provisions of 1210.04(d)(2)A or B may apply.

[h] Number of spaces per bed, not per unit.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / Table 1210B: Required Number of Off-Street Loading Spaces**

**Table 1210B: Required Number of Off-Street Loading Spaces**

	No. of Spaces per 25,000 SF	Standard Applies From (SF)	Up To (SF)
<i>Low Usage</i>			
1. Office	0.25	30,001	-
2. Medical			
Office	0.25	5,001	-
3. Hospital	0.25	0	500,000
4. Public School, Assembly, Recreation	0.25	0	-
<i>Moderate Usage</i>			
1. Wholesale	0.5	0	50,000
	0.25	50,001	-
2. Shopping Center	0.5	0	100,000
	0.25	100,001	500,000

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	0.125	500,001	-
<i>High Usage</i>			
1. Other Retail	0.83	10,001	70,000
	0.31	70,001	-
2. Quality or Family Restaurant	0.83	0	-
3. Industrial	1	0	50,000
	0.5	50,001	100,000
	0.25	100,001	-

SF: Square feet of net floor area.

Fractional spaces shall be rounded to the nearest integer, except that all values greater than zero and less than one shall be rounded to one.

Requirement is the total of all applicable figures.

Uses providing no loading spaces shall provide other facilities approved by the Building Commissioner that facilitate loading.

Requirements for uses not listed shall be as provided for the most similar use.

Requirements of this table shall not apply in the C-D Downtown Commercial District.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / Table 1210C: Required Number of Off-Street Parking Spaces for Non-Residential and Non-Lodging Uses**

**Table 1210C: Required Number of Off-Street Parking Spaces for Non-Residential and Non-Lodging Uses**

Minimum Number of Spaces Required[a]

	Per 1,000	Per Person	
Per [b]	Square Feet	Design	
<u>Employee</u>	<u>Floor Area</u>	<u>Capacity[c]</u>	<u>Other of Comment</u>

SCHOOLS

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Elementary	1	--	--	
Junior High	1	--	--	
High School	1	--	.25 [d]	
Commercial	1	--	.25 [d]	
Auditorium, School	--	17	--	
<u>RECREATIONAL</u>				
Arena/Stadium	--	--	.30	
Auditorium (non-school)	--	33	--	
Boat Launch	--	--	--	8 spaces per ramp.
Boat Storage/Repair	0.5	2.0	--	
Bowling Alley	--	--	--	5 spaces per bowling lane.
Club or Lodge	--	5	--	
Community Center	1	--	.30	
Dance Hall	--	--	.30	
Game Room	--	10	--	
Golf Course	1	--	-- [m]	
Golf Driving Range	--	--	--	1.5 spaces per tee.
Health Club	--	5	--	
Marina or berth.	--	--	--	1.25 spaces per boat space
Meeting Hall	--	--	.30	
Skating Rink	--	5	--	
Swimming Pool	1	--	.30	
Tennis or Racquet -ball Court	--	--	--	2 spaces per court.
Theatre, Indoor	--	--	.30	
Other Outdoor Recreation Area ft. of lot area.	1	--	--	Plus 2 spaces per 1,000 sq.

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INSTITUTIONAL

Child Day Care Center	1	2	--	
Government Office	--	3.5	--	
House of Worship	--	--	.25	
Institution Office or Meeting Hall	--	1	--	
Library, Museum, or Gallery	--	2.5	--	
Nursing Home	1	--	--	1 space per 3 residents.
Public Utility & Service	1	--	--	

MEDICAL

Animal Hospital	--	2.5	--	
Clinic	--	6	--	
Hospital excluding bassinets.	--	--	--	3.0 spaces per bed,
Medical/Dental Office	--	4	--	

Unless otherwise provided herein, required parking is the sum of the requirements in all columns.

MOTOR VEHICLE

Car Wash	1	---	---	[g]
Motor Vehicle Sales Repair, Servicing, or Body Shop	---	3.3	---	[k] [n]
Service or Filling Station	1	---	---	[k]

OFFICE

Up to 30,000 SF defined herein.	---	3.5	---	Except retail offices, as
30,000 SF and up defined herein.	---	3	---	Except retail offices, as

RETAIL

Department Store Furniture, Carpet, & Appliance Sales	---	4	---	
Hardware Store	---	1.5	---	
	---	3.5	---	

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Open Sales Lot	---	---	---	[n]	
<u>Shopping Center: [i]</u>					
Under 400,000 SF	---	4	---		
400-600,000 SF	---	4.5	---		
Over 600,000 SF	---	---	5.25	---	
Supermarket/Food Store	---	5	---		
Other Retail/Retail Office	---	4	---	[g]	
<u>HOME OCCUPATIONS</u>					
	1 [f]	---	---	[e]	
<u>LOFTS</u>					
	1 [f]	0.25	---	[l]	
<u>SERVICE</u>					
Bank or Financial Institution	---	5	---	[g]	
Barber or Beauty Shop	---	4	---		
Contractor Office	1	---	---		
Junk/Salvage Yard	---	---	---	[h]	
Laundromat machines.	---	---	---		1 for every 2 washing
Mini-Warehouse lockers.	1	---	---		1 space per 10 storage
Mortuary	1	10	---		
Night Club	---	20	---		
Restaurant:					
Carry Out Only	---	16	---	[g]	
All Other	---	20	---	[g]	
Tavern	---	20	---		
Other Service	---	4.5	---	[g]	
<u>INDUSTRIAL</u>					
Cartage & Express Firms	1	---	---		
Manufacturing, Research, Testing	1	2	---	[j] [o]	
Open Storage Yards lot area.	1	---	---		As a Principal Use. 15 % of
Radio or TV Station or Studio	1	---	---		
Warehousing or Wholesaling	1	0.5	---	[j] [o]	

*Unless otherwise provided herein, required parking is the sum of the requirements in all columns.*

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / Table 1210C: Required Number of Off-Street Parking Spaces for Non-Residential and Non-Lodging Uses / Notes for Table 1210C**

**Notes for Table 1210C**

NOTE: The requirements of this table may be reduced under 1210.04(d).

See also Table 1210A for required spaces for residential and lodging uses.

Parking for uses not listed shall be as provided for the most similar listed use as determined by the Building Commissioner.

Floor area shall be net floor area, as defined herein.

All required space figures shall be prorated for each establishment.

Fractional spaces shall be rounded to the nearest integer, except that all fractions less than one shall be rounded to one.

Requirements of this table shall not apply in the C-D Downtown Commercial District.

[a] One space for each truck or business vehicle employed by an establishment on the premises shall be provided in addition to the number of spaces specified.

[b] Maximum number of non-resident full- and part-time employees, including owners and managers, expected to be on duty on the premises at any one time, as specified in an affidavit of the applicant.

[c] Per seat in main auditorium or meeting room or per person of design capacity of the facility. Twenty-four inches of seating space shall be considered a seat for purposes of this requirement where individual seats are not discernable, such as in pews, benches, or bleachers. Where folding chairs or other moveable seats are used, 6 square feet of seating floor area shall be considered a seat.

[d] Capacity in full-time students attending classes at any one time who are of legal driving age or older.

[e] Plus sufficient parking for customers, clients, and visitors to the home occupation.

[f] Plus 1 space per non-resident apprentice, student, or contractor regularly working or studying on the premises.

[g] Plus stacking spaces as provided in division 1210.07(b).

[h] 5 spaces plus 2 spaces per acre above 1 acre of lot area.

[i] The number of parking spaces required for retail and personal service uses located in a shopping center, as defined herein, shall be as provided for shopping centers in this table rather than the sum of the spaces required for the individual uses. Except that the number of spaces shall be as provided in this

table for the individual use for:

A. any use located in a shopping center that has a parking requirement herein that exceeds by more than 25 percent the applicable shopping center requirement herein, and

B. any use occupying over 50 percent of the net floor area, as defined herein, of the center.

This number shall be added to the applicable number of spaces required by this table for shopping centers applied to all other uses in the center.

[j] Employment standard or floor space standard, whichever is greater, shall be used. If employment is not known when plans are drawn, floor space standard may be used and a parking reserve area may be required (see 1210.04(e)). If upon occupancy the employment standard yields a greater number of required spaces, the Building Commissioner may require the provision of the additional parking required thereby.

[k] 2 parking spaces per service bay, 1 parking space per fuel pump hose, and 2 stacking spaces per fuel pump island or end-to-end row of islands. A service bay shall not be considered a parking space.

[l] Plus the number of spaces that would be required under Table 1210A if the residential portion of the loft were a dwelling unit.

[m] 6 spaces per hole. For miniature golf courses, 3 spaces per hole.

[n] 0.2 spaces per 1,000 square feet of open sales lot area.

[o] Plus spaces required for offices, sales facilities, and other uses, if any.

**Title 3 : Land Planning and Improvements / Chapter 1210 Parking, Loading, & Vehicular Areas / Table 1210D: Minimum Space and Aisle Dimensions**

**Table 1210D: Minimum Space and Aisle Dimensions**

<u>Parking Space</u> [a]		<u>Loading Space</u> [b]		
For Small Cars [c]	For Other Cars	For Handicapped Spaces	For Tractor Trailers	For Other Trucks
				[e]

1. Spaces (in feet)



	Barberton Development Code				
A. Depth	16 [f]	18 [f]	20 [g]	60	25
B. Width	7.5	8	8 [g]	14	10
C. Vertical Clearance	7	7	7 [i]	14	12

## 2. Access Aisle

Width Adjacent to  
Space in ft. [g] [h]

A. Van-Accessible Spaces	--	--	8	--	--
B. Other Spaces	--	--	5	--	--

## 3. Circulation Aisles

(in feet)

A. Vertical Clearance	7	7	7 [i]	14 [d]	12
-----------------------	---	---	-------	--------	----

B. Width:

Angle of spaces:

0 degrees [1W]:	13	13	13	15	12
[j] [2W]:	19	19	19	15	12
30 degrees [1W]:	11	11	11	15	12
45 degrees [1W]:	13	13	13	15	12
60 degrees [1W]:	18	18	18	15	12
90 degrees [2W]:	24	24	24	15	12

[1W] One-way aisle only

[2W] Two-way aisle

[a] Dimensions do not apply to tandem spaces.

[b] Requirements apply to uses required to provide 1 or more loading spaces by Table 1210B.

[c] As provided in 1210.06(f)(1).

[d] Specified clearance shall be maintained along all access drives and maneuvering areas between the loading space and the street.

[e] Permitted for uses not normally serviced by tractor-trailers.

[f] Required depth shall be increased 1 foot for parallel handicapped spaces and 3 feet for other parallel spaces.

[g] Maximum slope in all directions shall be 2 percent.

[h] Access aisle shall be level with space(s) it serves. Two adjacent handicapped spaces may share a single access aisle provided that a vehicle can back up into each space to assure that vehicles parked in both spaces can use the same aisle for access to the vehicle.

[i] Van-accessible spaces shall be provided with 8.17 feet clearance. Specified clearance shall be maintained along at least one vehicular access route from parking site entrances and exits.

[j] Zero degree parking is parallel parking.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening**

**Chapter 1220  
Landscaping & Screening**

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**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.01 Purpose**

**1220.01 Purpose**

The purpose of the requirements in this chapter is to provide for appropriate landscaping and screening that will:

- (a) recognize the character of the City of Barberton as both an industrial/commercial center and a residential community and protect residential and all other environments from adverse effects--such as noise, odors, and dust--of more intensive adjacent uses
- (b) protect parking area users from wind, glare, and temperature extremes
- (c) mitigate the adverse effects on public streets and adjacent properties of noise, blowing dust and debris, water runoff, and glare from motor vehicle headlights and parking area lighting
- (d) discourage unsafe access to and circulation within off-street parking areas

- (e) contribute to improved community appearance and property values
- (f) preserve privacy in residential areas next to non-residential uses and discourage trespass thereupon, and
- (g) provide trees that improve the urban environment by cooling the air and land, reducing carbon dioxide in the air, and producing oxygen.

It is further the objective of these regulations to relieve property owners of the large setback requirements that are typically used in other cities to buffer neighboring uses--but which are difficult to achieve on Barberton's smaller older lots--by requiring smaller intensively screened or landscaped buffers in their place.

**Please Note: To view the Landscaping and Screening Graphic,  
see page 1220-1 of the printed version of the Barberton  
Development Code**

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.02 Requirements**

**1220.02 Requirements**

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.02 Requirements / (a) Where Required**

**(a) Where Required**

Landscaping and screening shall be required as provided in Tables 1220A and 1220B except as provided under Exceptions herein.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.02 Requirements / (b) Exceptions**

**(b) Exceptions**

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /**

**1220.02 Requirements / (b) Exceptions / (1) Conditional Uses**

***(1) Conditional Uses***

Because of their special character, Conditional Uses may be required to provide landscaping or screening exceeding the requirements herein.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /**

**1220.02 Requirements / (b) Exceptions / (2) Existing Uses**

***(2) Existing Uses***

Application of these provisions to uses existing before the effective date thereof shall be as provided in Chapter 1340, Nonconformities.

Except that conformity to the requirements herein for Screen Barriers shall be achieved prior to the issuance of a Certificate of Occupancy for any construction or alteration.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /**

**1220.02 Requirements / (b) Exceptions / (3) Screening on Abutting Lot**

***(3) Screening on Abutting Lot***

No Transition Buffer or Screen Barrier shall be required along a lot line if permanent screening meeting all requirements therefor exists along such lot line on the abutting lot.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /**

**1220.02 Requirements / (b) Exceptions / (4) Below-Grade Areas**

***(4) Below-Grade Areas***

The height of a Frontage Buffer or Screen Barrier along a lot line for a below-grade parking or loading area may be reduced by the amount that the mean grade along and within 4 feet outside that lot line exceeds the highest point of the finished grade of the parking or loading area.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /**

**1220.02 Requirements / (b) Exceptions / (5) Reduction in Intensity**

***(5) Reduction in Intensity***

The Planning Commission may approve as a Special Exception a reduction in the intensity required by Table 1220A or 1220B--to the next most restrictive level of intensity only--if it determines the required intensity would be impractical or would impose an undue burden on the occupant. The

Commission shall in no case approve an intensity less than Light intensity.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.02 Requirements / (b) Exceptions / (6) Building Walls**

***(6) Building Walls***

An existing legal building wall may be used to meet the requirements for a Screen Barrier under Table 1220B or for screening under Table 1220C.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.02 Requirements / (b) Exceptions / (7) Shared Driveway**

***(7) Shared Driveway***

No Transition Buffer or Screen Barrier shall be required along that portion of a lot line along which there is a driveway or vehicular aisle shared with an abutting lot.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.02 Requirements / (b) Exceptions / (8) Lots With Insufficient Space**

***(8) Lots With Insufficient Space***

The Building Commissioner may waive the requirement for installation of a Transition Buffer or Screen Barrier, or reduce any of the required dimensions thereof, for a use on any developed lot on which there is insufficient yard space to allow its installation, such as on properties built with small yards or none at all. No waiver shall be granted if a reduction in dimensions would allow the installation, and any reduction shall be the minimum needed to permit the installation.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.02 Requirements / (b) Exceptions / (9) Temporary Uses**

***(9) Temporary Uses***

Uses qualifying as Temporary Uses under di-vision 1310.04(a)--such as temporary off-street parking areas for special events and temporary open sales lots--shall be exempt from all requirements of this Chapter except those the Building Commissioner determines necessary to protect the public welfare.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.02 Requirements / (b) Exceptions / (10) Access Ways**

*(10) Access Ways*

Transition Buffers and Frontage Buffers shall not be required along the width of access ways, which shall be subject to the limits on width in Table 1240E. Widths of access ways shall not be counted for purposes of spacing requirements in Table 1220C.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.02 Requirements / (b) Exceptions / (11) Vision Clearance Triangle**

*(11) Vision Clearance Triangle*

Walls, fences, hedges, berms, and other opaque landscaping or screening obstructions shall conform to the provisions on Vision Clearance Triangles in division 1240.02(e)(8).

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.02 Requirements / (b) Exceptions / (12) Other**

*(12) Other*

Requests for other exceptions may be submitted to the Board of Zoning Appeals under provisions for Variances in division 1310.03(a).

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.03 Landscape Plan**

**1220.03 Landscape Plan**

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.03 Landscape Plan / (a) When Required**

**(a) When Required**

A Landscape Site Plan shall be filed with an application for a permit, certificate, or approval as provided in Tables 1320B and 1320C for any use required to provide any:

- (1) Transition Buffer
- (2) Frontage Buffer, or
- (3) Landscaped Island.

Within 3 days of his or her acceptance thereof, the Building Commissioner shall refer all Landscape Plans to the City Beautification Commission for comment.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.03 Landscape Plan / (b) Exceptions**

**(b) Exceptions**

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.03 Landscape Plan / (b) Exceptions / (1) Use Not Yet Known**

*(1) Use Not Yet Known*

The Building Commissioner may fully or partially defer the requirement for a Landscape Site Plan in any instance in which the specific use of the premises, and therefore the parking, loading, or other factors on which the requirements herein are based, are not yet determined, such as in the case of a rezoning for an industrial subdivision the specific future uses within which are not yet known.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.03 Landscape Plan / (b) Exceptions / (2) Only Minor Landscaping Required**

*(2) Only Minor Landscaping Required*

No Site Plan shall be required for uses required by Table 1220B to provide landscaping or screening in the categories below. The application shall in lieu of a Site Plan provide the information specified.

	<u>Information Required</u>
Screen Barrier	Dimensions, colors, materials, & location
Foundation Landscaping	Species, sizes, & approximate locations of plantings
Street Trees	Species, caliper, & locations
Lawns	No information required

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.03 Landscape Plan / (c) Plan Contents**

**(c) Plan Contents**

The Landscape Site Plan shall conform to:

- (1) the requirements of Table 1320C in Chapter 1320, Approval Procedures, and
- (2) applicable plans or policies prepared by the City Beautification Commission and adopted by City Council.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.04 Street Trees**

**1220.04 Street Trees**

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.04 Street Trees / (a) Tree Lawns**

**(a) Tree Lawns**

Tree lawns (devil strips) shall be required as provided in Table 1240B and in division 1240.09(d)(8).

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.04 Street Trees / (b) Street Trees**

**(b) Street Trees**

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.04 Street Trees / (b) Street Trees / (1) Number Required**

*(1) Number Required*

Street trees shall be installed so as to achieve a spacing measured along the right-of-way on each side of the street as provided below.

Size of Tree	Maximum Mean Average [a] Spacing In Feet [b] [c]
Small [d]	30
Medium [d]	40
Large [d]	50



See also spacing requirements of 1220.05(g)(2).

[a] Spacing is mean average spacing. Uniform spacing is not required.

[b] Required maximum spacing shall be calculated along the lot frontage together with the frontage in the same block face within 50 feet on either side of the lot.

[c] Maximum average spacing in C Districts shall be double the table amount.

[d] As defined in Chapter 1360, Definitions.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.04 Street Trees / (b) Street Trees / (2) Where Installed**

***(2) Where Installed***

Street trees shall be planted:

- A. in the tree lawn next to the lot, or
- B. elsewhere in the tree lawn if necessitated by (b)(3) or 1220.05(g)(3), or
- C. in tree planting areas no less than 16 square feet in area located in the sidewalk, where sidewalks over 6 feet wide exist but tree lawns do not, as in the Downtown area, or
- D. in a 10-foot-wide recorded easement abutting the street line in front and corner side yards if:
  - 1. there is no tree lawn and no sidewalk, or
  - 2. the tree lawn is less than 4 feet wide and use of a species suited to a narrower lawn is not practical in the judgment of the City Beautification Commission, or
  - 3. the tree lawn is to be narrowed to less than 4 feet wide or eliminated by a planned road widening, or
  - 4. utility lines lie or will lie beneath a tree lawn under 10 feet wide, or
  - 5. the property owner prefers and the Planning Commission approves this location.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.04 Street Trees / (b) Street Trees / (3) Required Separations**

***(3) Required Separations***

Street trees shall be planted and pruned to conform to the distances provided below.

Minimum Distance in Ft.      Distance Measured From

*Horizontal Distance from Trunk*

20	street intersection [a]
12	street light
10	alley intersection [b] driveway [c] fire hydrant utility pole
2 [d]	sidewalk curb or street pavement

*Vertical Distance from Branches*

10	overhead utility lines
16	pavement: streets trucks use
12	pavement: other streets
8	sidewalks

[a] From right-of-way line. Except 30 feet on near side, as defined herein.

[b] 20 feet on near side.

[c] 20 feet on near side of commercial driveways.

[d] Or 3 feet for medium trees and 4 feet for large trees, as defined herein.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.04 Street Trees / (b) Street Trees / (4) Minimum Caliper  
(4) Minimum Caliper**

Caliper of street trees when planted shall be no less than 2.5 inches measured one foot above ground level.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /**

**1220.04 Street Trees / (b) Street Trees / (5) Species**

***(5) Species***

Species specified in Table 1220D shall not be used as street trees.

Species specified in Table 1220E are recommended for use as street trees. Their use is not mandatory.

In tree lawns, street tree easements, or sidewalk planting areas less than 6 feet wide, only small trees shall be planted. In such areas that are less than 8 feet wide, only small or medium trees shall be installed.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /**

**1220.04 Street Trees / (b) Street Trees / (6) Maintenance**

***(6) Maintenance***

Maintenance of street trees shall be the responsibility of the abutting property owner.

Property owner responsibilities shall include:

A. watering, spraying, pruning, and

B. removal of fallen leaves on sidewalks, and

C. removal of branches or trees that are dead, diseased, fallen, or hazardous as determined by the Building Commissioner in consultation with the Beautification Commission.

Tree planting, removal, and pruning shall be performed only by a professional landscape contractor or City employee authorized to do such work, except that a public utility may remove branches interfering with existing utility lines.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /**

**1220.04 Street Trees / (b) Street Trees / (7) Street Tree Removal**

***(7) Street Tree Removal***

No street tree shall be removed without prior approval of City Council. Requests for removal shall be referred to the Beautification Commission for a recommendation. A property owner requesting removal of a street tree shall pay all costs thereof.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /**

**1220.04 Street Trees / (b) Street Trees / (8) Street Tree Plan**

*(8) Street Tree Plan*

All street trees installed after the effective

date of this section shall conform to any official citywide or neighborhood-wide Street Tree Plan prepared by the Beautification Commission and adopted by City Council.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.04 Street Trees / (b) Street Trees / (9) Other Requirements**

*(9) Other Requirements*

Street trees shall conform to the general requirements for all trees in 1220.05(g).

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.05 Requirements for All Landscaped Areas**

**1220.05 Requirements for All Landscaped Areas**

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.05 Requirements for All Landscaped Areas / (a) Permitted Forms of Screening**

**(a) Permitted Forms of Screening**

Screening required in item 2 of Table 1220C and the Screen Barrier required in Table 1220B may take the form of:

- (1) a landscaped earthen berm, or
- (2) a finished concrete or finished masonry wall, or
- (3) buildings or architectural features of buildings such as a parapet or wing wall, or
- (4) a wooden fence, or
- (5) a chain link fence provided with opaque slats of a material and color approved by the Planning Director, or
- (6) a compact hedge or other live evergreen vegetative barrier, or
- (7) a combination thereof.

Fences and walls used for screening hereunder shall display a finished decorative face toward the applicable lot lines. They shall be made of standard materials commonly used in the judgment of the Building Commissioner for fencing or walls or of other materials he or she approves.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.05 Requirements for All Landscaped Areas / (b) Types of Materials**

**(b) Types of Materials**

Varieties of living landscape materials used shall be:

- (1) healthy, hardy, and drought-resistant, and
- (2) suitable for the climate and environmental influences on the site, such as exposure to sun, wind, water, heat, automobile exhaust fumes, and road salt, and
- (3) compatible with the slope of the site, with existing vegetation to be preserved, and with utility lines above or below ground level, and
- (4) not prone to cause a nuisance outside the lot lines as a result of dropping fruit or debris other than leaves, and
- (5) consistent with the anticipated capacity and inclination of the property owner or tenant to maintain the landscaped areas, and
- (6) when used as street trees, not prohibited by Table 1220D.

Where vulnerable to damage, materials shall be protected from pedestrian or vehicular traffic by grates, pavers, or other measures.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.05 Requirements for All Landscaped Areas / (c) Ground Cover**

**(c) Ground Cover**

Sod or other vegetative ground cover shall be planted over all landscaped areas including earthen faces of berms--except in areas planted in flowers, shrubs, or trees--so as to present a finished appearance and reasonably complete coverage within three months after planting.

Non-living landscaping materials such as sand, stone, rocks, or barks may be substituted for living cover over a maximum of 30 percent of the landscaped area or over a greater area if approved as a Special Exception under division 1310.03(b). No artificial plants or artificial turf shall be used.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.05 Requirements for All Landscaped Areas / (d) Preservation of Landscaping**

**(d) Preservation of Landscaping**

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.05 Requirements for All Landscaped Areas / (d) Preservation of Landscaping / (1)  
Mandatory Preservation**

**(1) Mandatory Preservation**

**A. Purpose**

The purpose of this division is to preserve the particular public benefits of shade, beauty, and other attributes possessed by large mature trees and to recognize the difficulty in replacing those benefits in light of the many years it takes trees to reach maturity.

**B. Preservation of Larger Trees**

Existing trees having a trunk caliper of 10 inches or greater dbh measured 4.5 feet above grade at the base of the trunk shall not be removed except as provided in division C.

**C. Exceptions**

**1. Existing Homes**

Division (d)(1)B shall not apply to any tree on any lot in single- or two-family use as of the date of effect of this chapter or any single- or two-family lot for which a Certificate of Occupancy has been issued.

**2. Commissioner-Approved Removal**

The Building Commissioner shall approve tree removal otherwise prohibited by division B if he or she finds that:

- a. the tree to be removed is incurably diseased or is dying or dead, or
- b. it has been so damaged or impaired that it is likely to become incurably diseased or die, or
- c. it presents a safety hazard to an existing structure or to a proposed structure for which the Commissioner determines an alternative location is not practical, or

- d. it presents a safety hazard to pedestrians or to vehicular traffic, or
- e. it threatens to disrupt public services, or
- f. it is of an undesirable species for its location, or
- g. it is on a site which the Commissioner judges will have sufficient mature trees to achieve the objectives of this division even with the loss of the subject tree, or
- h. its removal is necessary for the health of nearby trees or is otherwise consistent with good forestry practices, or
- i. it is within, or within 12 feet of, the ground coverage of proposed structures for which the Commissioner determines alternative locations are not practical, or
- j. it is in the path of, or within 2 feet of, the pavement of a proposed street, alley, access drive, or driveway for which the Commissioner determines an alternative alignment is not practical, or
- k. it is in the path of a proposed drainage or utility installation for which the Commissioner has determined that an alternative horizontal or vertical alignment is not practical, or
- l. any Variance, Special Exception, Conditional Use, or other special approval authorized by this or any other City Code that would be necessary to avoid removal of the tree is prohibited or is unlikely to be approved, or
- m. retention of the tree would preclude any reasonable use of the property.

**D. Replacement of Removed Trees**

1. Legally Removed Trees

Any tree required to be preserved under division (d)(1)B that is removed with approval of the Commissioner under division (d)(1)C shall either be:

- a. moved to another location, or
- b. replaced with:
  - 1. another tree of at least 75 percent of the original caliper, or
  - 2. multiple trees the combined calipers of which total no less than 100 percent of the caliper of the removed tree with a 3-inch maximum.

2. Illegally Removed Trees

Any tree required to be preserved under division (d)(1)B that is removed without the approval of the Commissioner under division (d)(1)C shall be replaced with:

- a. another tree of a caliper no less than 150 percent of the caliper of the removed tree,
- or
- b. multiple trees the combined calipers of which total no less than 300 percent of the caliper of the removed tree.

3. Location of Moved or Replacement Trees

Trees moved or planted to replace removed trees under division (d)(1)D1 or (d)(1)D2 shall be installed at a location approved by the Commissioner that is:

- a. on the same lot or building site, or
- b. on another lot or building site within the same development, or
- c. in the street right-of-way abutting the development.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.05 Requirements for All Landscaped Areas / (d) Preservation of Landscaping / (2) Credit Toward Requirements**

*(2) Credit Toward Requirements*

The Building Commissioner shall credit toward the requirements of Table 1220C healthy trees or shrubs that exist on a site prior to development, that are located within proposed landscaped areas, and that are proposed to be preserved.

Except as provided herein for bonus credits, each preserved tree or shrub meeting the applicable requirements of Table 1220C shall reduce by one the number of new trees or shrubs, respectively, required.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.05 Requirements for All Landscaped Areas / (d) Preservation of Landscaping / (3) Bonus Credit for Larger Trees**

*(3) Bonus Credit for Larger Trees*

Larger trees preserved either under division (d)(1) or voluntarily shall reduce the number of new trees required as follows:

Reduction in



Trunk Caliper of Existing Tree to Be Preserved *	Number of New Trees Required
4 - 10 inches	2 trees
11 - 20 inches	3 trees
Over 20 inches	4 trees

\* Measured 1 foot above grade at base.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.05 Requirements for All Landscaped Areas / (e) Berms**

**(e) Berms**

Berms used for screening shall be a minimum of 2 feet high at all points. The interior face of a berm may be retained by a wall, terrace, or other means acceptable to the Building Commissioner in lieu of taking the form of an earthen slope.

Slopes for earthen faces shall not exceed 33 percent if covered with grass and 50 percent if covered with other vegetative cover.

Earthen berm faces on which ground cover is not yet completely established shall be protected from erosion by a mulch and/or erosion control net.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.05 Requirements for All Landscaped Areas / (f) Curbing**

**(f) Curbing**

All landscaped areas located in or abutting parking areas shall be separated on all sides from the parking surface by curbing consisting of concrete, stone, brick, asphalt, or other material approved by the Building Commissioner as having comparable appearance and durability. Curbing shall be in good condition upon installation.

The Commissioner may require curbing of a specified height or material adjacent to vehicular areas commonly used by commercial vehicles of over 9,000 pounds of curb weight unloaded.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.05 Requirements for All Landscaped Areas / (g) Trees**

:"American Legal Publishing Corporation"

**(g) Trees**

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.05 Requirements for All Landscaped Areas / (g) Trees / (1) Condition**

***(1) Condition***

Trees planted shall be free from disease, fungus, and scales.

They shall have a straight single trunk. Except that:

A. a double-trunk species listed in Table 1220E may be used as a street tree, and

B. the Building Commissioner may, in consultation with the Beautification Commission, otherwise approve use of a double-trunk tree.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.05 Requirements for All Landscaped Areas / (g) Trees / (2) Minimum Spacing**

***(2) Minimum Spacing***

To allow space for healthy roots and prevent damage caused by root growth, trees shall not be planted closer to each other than provided below.

<u>Size of Tree</u>	<u>Minimum Spacing In Feet</u>
Small *	25
Medium *	35
Large *	45

\* As defined in Chapter 1360, Definitions.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.05 Requirements for All Landscaped Areas / (g) Trees / (3) Trees and Signs in Commercial Districts**

***(3) Trees and Signs in Commercial Districts***

**A. Installation**

**Barberton Development Code**

New or replacement trees in Commercial Districts shall, consistent with the health of the tree, be installed and maintained to preserve the visibility of existing legal business signage to the degree possible in the judgment of the Building Commissioner consistent with the objectives of tree installation.

Where practical, spacing of trees shall be varied if necessary to preserve the visibility of an existing sign. Or else different species or varieties of trees shall be selected the width, opacity, or height of the top or the base of the crown of which allows installation with minimum obstruction of existing signs.

**B. Pruning**

Trees shall be pruned as necessary to preserve or enhance the visibility of existing signs to the degree consistent with the health and integrity of the tree.

**C. Sign-Obstructing Tree Removal**

A business or property owner may request of the City Council the removal or replacement of a street tree that interferes with the visibility of a legal sign on his or her premises. If the Council determines the tree interferes significantly with the visibility of such sign from the street or sidewalk, Council may order the tree removed or replaced.

Prior to such removal or replacement, the business or property owner shall pay to the City an amount de-termined by Council to represent the current market value of the tree. Such payment shall be used to purchase one or more trees to be installed where the original tree was removed or, if such location would also impair sign visibility, at another location in the zoning district.

Tree removal hereunder shall also conform to division 1220.04(b)(7).

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.05 Requirements for All Landscaped Areas / (h) Other Requirements**

**(h) Other Requirements**

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.05 Requirements for All Landscaped Areas / (h) Other Requirements / (1) Guarantee**  
*(1) Guarantee*

The installer shall guarantee landscaping for one year after planting and replace any trees that die within such period. The Building Commissioner may require a financial guarantee for this purpose under Section 1350.02.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.05 Requirements for All Landscaped Areas / (h) Other Requirements / (2) Other  
(2) Other**

Other requirements shall be as provided in Table 1220C.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.06 Tree Protection During Construction**

**1220.06 Tree Protection During Construction**

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.06 Tree Protection During Construction / (a) Certification Required**

**(a) Certification Required**

An applicant preserving existing trees under division 1220.05(d) shall file with the Building Commissioner a written statement certifying that all such trees or shrubs are currently healthy and that the requirements of this section will be adhered to with respect to the trees to be preserved.

The Commissioner may consult with an arborist or urban forester in determining compliance herewith.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.06 Tree Protection During Construction / (b) Mechanical and Chemical Injury**

**(b) Mechanical and Chemical Injury**

Because mechanical injuries to trees intended to be preserved can be caused by soil compaction, unnecessary cutting of roots, fire, collisions with heavy equipment, carelessness with tools, and girdling with guy wires, and chemical injury can be caused by solvents, paints, oils, and other materials, protective barriers are required.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.06 Tree Protection During Construction / (b) Mechanical and Chemical Injury / (1)  
Enclosure of Drip Line Area**

**(1) Enclosure of Drip Line Area**

A fence, roping, flagging, or other protective barrier shall enclose the area within the drip line(s), and any exposed roots outside of such line(s), of each tree or group of trees to be preserved. Such barrier shall be visible enough to be seen easily by equipment operators.

Removal of brush and weeds within this barrier shall be performed with hand tools only. To avoid chemical damage to trees, equipment shall not be cleaned within the barrier.

No equipment materials, fill, or debris shall be stored within the barrier except as may be necessary for a reasonable time if no other storage area is available.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.06 Tree Protection During Construction / (b) Mechanical and Chemical Injury / (2) Bark Protection**

***(2) Bark Protection***

Trunks of trees to be preserved that surround the immediate building site and border access roads shall be wrapped with sections of snow fence or boards wired together.

No nails or spikes shall be driven into trees to be preserved, nor shall such trees be used for signs, fencing, roping, or cables.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.06 Tree Protection During Construction / (c) Grade Changes**

***(c) Grade Changes***

Because changing the grade of the land surrounding a tree can impair the ability of its roots to obtain necessary amounts of air, water, and land minerals, protective measures shall be taken as specified herein.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.06 Tree Protection During Construction / (c) Grade Changes / (1) Raising of Grade**

***(1) Raising of Grade***

**A. Tree Preservation Measures**

Before the grade of the land around a tree to be preserved is raised by land filling, the Building Commissioner may, in consultation with an arborist or urban forester, require the party undertaking the grading to:

1. relocate the tree if feasible, or
2. install an aeration system consisting of a dry well around the trunk together with a layer of gravel and stone and a system of drain tiles over the root system at the level of the original grade, or
3. if an aeration system is impractical or financially infeasible, take other measures to protect the tree.

Any aeration system shall be configured to provide, in the judgment of the Building Commissioner, adequate air and water circulation and drainage of water away from the trunk.

**B. Exemption**

Fills are exempt from the provisions of division (c)1A if they:

1. are 6 inches or less in depth, and
2. do not contain clay, marl, or other heavy, impervious fills of any depth in the judgment of the Building Commissioner, and
3. consist only of porous, loamy, or gravelly soil high in organic matter.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.06 Tree Protection During Construction / (c) Grade Changes / (2) Lowering of Grade  
(2) Lowering of Grade**

To protect trees intended to be preserved from removal of or damage to feeder roots or changes to the water table, the area within the drip line shall not be lowered but shall be separated from a lowered grade by either terracing or, for grade differences of less than 2 feet, construction of a dry retaining wall.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.06 Tree Protection During Construction / (d) Excavations**

**(d) Excavations**

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.06 Tree Protection During Construction / (d) Excavations / (1) Location  
(1) Location**

Excavations for utility pipelines shall be routed within the drip line of a tree to be preserved only

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if in the judgment of the Building Commissioner:

- A. no route bypassing the root area is practical, and
- B. tunnelling under the roots with a power-driven soil auger is impractical or financially infeasible in relation to the value of the tree.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.06 Tree Protection During Construction / (d) Excavations / (2) Root Protection**

**(2) *Root Protection***

Parties excavating within the root area shall:

- A. minimize the number of roots cut, especially of large main roots, and
- B. cleanly cut with proper tools such roots as must be cut and retrim them after excavation, and
- C. paint cuts of roots of 1/4-inch diameter or larger with a wound dressing like orange shellac, and
- D. backfill the trench as soon after excavation as possible to minimize the time roots are exposed to the air, and
- E. leave no pockets of air when backfilling, and
- F. mix peat moss with fill soil to promote new growth.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.06 Tree Protection During Construction / (e) Damage Mitigation**

**(e) *Damage Mitigation***

Where, despite the foregoing provisions, significant damage has been done to the roots, the tree shall be fertilized and excess branches that cannot be supported by the remaining undamaged roots shall be pruned. Tree limbs damaged during construction shall be sawed off flush to the trunk.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.06 Tree Protection During Construction / (f) Cleanup**

**(f) *Cleanup***

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.06 Tree Protection During Construction / (f) Cleanup / (1) Disposal of Debris**

**(1) *Disposal of Debris***

Debris shall not be burned on-site but shall be hauled away to an approved disposal site.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.06 Tree Protection During Construction / (f) Cleanup / (2) Removal of Barriers**

**(2) *Removal of Barriers***

Protective fences and barriers around trees shall be removed only as the final stage of post-construction cleanup.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.07 Installation and Maintenance**

**1220.07 Installation and Maintenance**

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.07 Installation and Maintenance / (a) Assurance of Installation**

**(a) Assurance of Installation**

Before issuing any Certificate of Occupancy for any application to which the provisions of this chapter apply, the Building Commissioner shall determine either:

(1) that landscaping and screening required hereunder have been fully installed, or

(2) if seasonal or weather conditions or other factors preclude such installation at the time of application, that a financial guarantee has been submitted to guarantee installation within 9 months of the date of issuance of the Certificate. Such guarantee shall comply with the provisions of Section 1350.02.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening /  
1220.07 Installation and Maintenance / (b) Installation Procedures**



**(b) Installation Procedures**

All living landscaping materials shall be installed in conformance with the most current procedures established by the American Association of Nurserymen or its successor organization.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.07 Installation and Maintenance / (c) Maintenance and Replacement**

**(c) Maintenance and Replacement**

The owner, occupant, tenant, and agent of each, if any, shall be jointly and severally responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required by these regulations or specified in plans approved by the City--whether or not so required--so as to preserve at least the same quantity, quality, and screening effectiveness as initially installed.

An existing tree preserved under division 1220.05(d) that dies or is destroyed shall be replaced by either:

(1) a replacement tree of equal or greater caliper, or

(2) if preserved under division 1220.05(d)(2), the trees required by Table 1220C without the bonus credit.

All living and non-living landscaping, including fences, walls, and ornamental lighting, shall be maintained in a good condition at all times so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris.

Unhealthy or dead vegetation shall be replaced with healthy live plantings by the end of the next applicable planting season.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / 1220.07 Installation and Maintenance / (d) Removal**

**(d) Removal**

Installed landscaping and screening may not be removed except temporarily for replacement or maintenance. Except that a Transition Buffer may be removed if the zoning of an abutting parcel is changed to a district that does not require the Buffer, and other landscaping or screening may be removed if the condition that mandates landscaping or screening hereunder no longer applies.

**1220A: Uses Requiring Transition Buffer**

**Table 1220A: Uses Requiring Transition Buffer**

Zoning Districts or Uses:

<u>Buffer Required Between</u>	<u>And</u>	<u>Intensity Required *</u>
RS, RT, RA	RM	Medium
RS, RT,	O, C	Medium
RA, RM, RS, RT,	I-1	Heavy
RA, RM, RS, RT,	All other I	Maximum
RA, RM, Other RS, RT, RA, RM	RS-32	Maximum
Oil or gas well site, tank batteries, or brine disposal site	Adjacent land	Maximum

\* See Table 1220C.

A Transition Buffer is a landscaped area established on a lot abutting and along the length of interior side and rear lot lines that abut or are across an alley from certain other zoning districts specified in this table with which the zoning of the subject lot is considered incompatible.

No Transition Buffer is required on parcels devoted entirely to vacant or agricultural land.

Installation of the Transition Buffer required herein shall be the responsibility of all new uses irrespective of zoning district. A new use in the I-1 District, for example, shall provide a Transition Buffer next to an existing use in an RM District. Similarly, a new use in an RM District shall provide a Transition Buffer next to an existing use in the I-1 District.

The finished or decorative face of any fence or wall included in the Buffer shall face toward the district in the first column.

Where Transition Buffers do not exist between two existing uses, both uses shall be considered nonconforming. Installation of the Buffer in such case shall be as provided in Chapter 1340.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / Table 1220B: Uses Requiring Other Screening or Landscaping**

**Table 1220B: Uses Requiring Other Screening or Landscaping**

<u>Use</u>	<u>Frontage Buffer</u> [f]	<u>Landscaped Island</u>	<u>Screen Barrier</u> [j]	Foundation	<u>Street Trees</u> [i]	<u>Lawns</u> [c]
				<u>Land-scaping</u> [b]		
1. All residential uses	-	-	-	-	X	X
2. All non-residential uses	-	-	-	X	X	-
3. Uses in RM, O, and I Districts	-	-	-	-	-	X
-----						
4. Open off-street parking areas:						
Of over 15 spaces [a]	X	-	-	-	-	-
Of over 60 spaces [a]	X	X [e]	-	-	-	-
5. Open sales lots and service and filling stations	X	-	-	-	-	-
-----						
7. Outdoor storage [g]	-	-	X	-	-	-
8. Open service/refuse disposal areas [g]	-	-	X	-	-	-
9. Open off-street loading space	-	-	X	-	-	-
10. Junk/wrecking yards	-	-	X	-	-	-
11. Manufactured home bottled gas tanks stored in the open-	-	X	-	-	-	-
12. Residential abutting arterial street [h]	-	-	X	-	-	-

13. Electrical/mechanical equipment [k]	-	-	X	-	-	-
14. Utility stations [d]	X	-	X	-	-	-

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / Table 1220B: Uses Requiring Other Screening or Landscaping / Notes for Table 1220B**

**Notes for Table 1220B**

Note: Uses shall meet all applicable requirements of this table.

See also Table 1220A for uses requiring a Transition Buffer.

[a] A minimum of 10 percent of the parking area shall be landscaped. Frontage Buffers, Landscaped Islands, and Transition Buffers abutting off-street parking areas shall be credited toward this requirement.

[b] **Foundation Landscaping**

Foundation landscaping is required abutting exterior walls of principal buildings except walls facing rear yards. It shall meet the Medium Intensity requirement for shrubs in Table 1220C.

[c] **Lawns**

Required in actual street (OR ALL YARDS?) yards only.

Except in vehicular areas, swimming pool areas, and the like, lawns shall be seeded, sodded, or provided with an alternative vegetative ground cover approved by the Building Commissioner.

[d] **Utility Stations**

Electric substations, communications towers, telephone exchanges, and similar utility uses, except in I Districts.

[e] **Landscaped Islands**

Landscaped Islands are small landscaped areas in the interior of an open off-street parking area, often located at the ends of parking rows.

They shall have a minimum area of 100 square feet each and shall be separated by no more than 100 feet measured along the row of spaces. Each Island shall have no less than one deciduous tree of a minimum caliper at one foot above ground level of 2.5 inches.

[f] **Frontage Buffers**

A Frontage Buffer is a landscaped area on a lot abutting and along the length of street lines in street yards accommodating the uses specified.

Intensity shall be as provided below.

Utility stations		Maximum
Off-street parking		Medium
Open sales lots	Service stations	Light

[g] Does not apply to such areas that serve individual single- and two-family and townhouse dwellings.

**[h] Residential Abutting Arterial Street**

A Screen Barrier no less than 5 feet in fence height shall be required along the rear lot line abutting an arterial street on lots accommodating single- and two-family and townhouse dwellings.

[i] See 1220.04(b).

**[j] Screen Barrier**

A Screen Barrier is a vertical barrier to visibility such as a fence, wall, or hedge.

Minimum year-round Screen Barrier opacity shall be 75 percent. Except as otherwise provided herein, minimum height shall be the lesser of:

1. the height of the use to be screened, or
2. a height sufficient in the judgment of the Building Commissioner to conceal the use specified from view from any point less than 6 feet above the ground floor level on adjoining lots or building sites and on any abutting street.

**[k] Electrical/Mechanical Equipment**

Equipment such as transformers, air conditioners, or satellite dish antennas located:

1. in the open on the ground but protruding above grade, or
2. on a roof

if in either such location they will be visible from a street abutting the lot or from an abutting lot in an RS, RT, or RA District.

For receiving antennas, the required minimum height of the Screen Barrier shall not exceed the greatest height that will clear the reception window, as defined herein.

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / Table 1220C: Screening Intensity**

**Table 1220C: Screening Intensity**

	<u>Screening Intensity</u>			
	<u>Light</u>	<u>Medium</u>	<u>Heavy</u>	<u>Maximum</u>
<b>1. <u>Landscaped Area</u></b>				
Minimum Width in feet	3	5	8	10
-----				
<b>2. <u>Screening</u> [h]</b>				
a. Minimum Height in feet [d] [e]	-	3	4.5	6
b. Minimum year-round opacity [b] [f]	-	50%	75%	75%
-----				
<b>3. <u>Trees</u></b>				
a. Maximum Spacing in linear feet [a]	-	40	35	30
b. Evergreens: [g] Minimum Height in feet [b][d][e]	-	6	8	8
c. Deciduous: [g] Minimum Caliper in inches [c] [d]	-	2.5	2.5	3.0
-----				
<b>4. <u>Shrubs</u> [i]</b>				
a. Maximum Spacing				

	Barberton Development Code			
in linear feet [a]	3	5	3	3
b. Minimum Height				
in feet [b] [d] [e]	2.0	2.0	2.5	3.0

[a] Measured along length of landscaped area. Spacing is mean average spacing: uniform spacing is not required.

[b] Also subject to provisions concerning Vision Clearance Triangles in 1240.02(e)(8).

[c] At 1 foot above grade at base.

[d] At time of installation.

[e] Fence height as defined herein.

[f] By the end of the second growing season after installation, if screening composed of landscaping is used.

[g] Requirement applies only if this type of tree is used.

[h] May take any form permitted by 1220.05(a).

[i] A minimum of 2 species of evergreen, flowering, and/or upright shrubs shall be used where 4 or more shrubs are required on a lot or building site and a minimum of 3 species where 8 or more shrubs are required.

**Please Note: To view the Screening Intensities Graphic, see page 1220-17 of the printed version of the Barberton Development Code**

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / Table 1220D: Prohibited Street Trees**

**Table 1220D: Prohibited Street Trees**

Common Name                      Botanic Name

The following shall not be used as Street Trees:

Apple	Malus
Ash, European Mountain	Sorbus aucuparia
Aspen	Populus
Beech, American	Fagus granifolia
Birch, Paper, Grey European	Betula papyrifera populifolia, alba
Catalpa	Catalpa speciosa
Elm, American	Ulmus americana
Elm, Siberian	Ulmus pumila
Ginkgo (female)	Ginkgo biloba (Fem.)
Hawthorn	Crataegus
Horse Chestnut (nut bearing)	Aesculus hippocastarum
Kentucky Coffee Tree	Gymnocladus dioicus
Locust, Black	Robinia pseudoacacia
Magnolia, Cucumber Tree	Magnolia acuminata
Maple, Box Elder	Acer negundo
Maple, Silver	Acer saccharinum
Mulberry	Morus
Ohio Buckeye	Aesculus glabra
Olive, Russian	Elaeagnus angustifolia
Osage Orange	Maclura pomifera
Poplar	Populus
Sweetgum	Liquidambar styraciflua



Sycamore	Platanus occidentalis
Tuliptree	Liriodendron tulipifera
Tree of Heaven	Ailanthus altissima
Walnut, Black	Juglans nigra
Willow	Salix

**Title 3 : Land Planning and Improvements / Chapter 1220 Landscaping & Screening / Table 1220E: Recommended Street Trees**

**Table 1220E: Recommended Street Trees**

<u>Common Name</u>	<u>Botanic Name</u>
Crabapple, Donald Wyman	Malus 'Donald Wyman'
Crabapple, Harvest Gold	Malus 'Harvest Gold'
Crabapple, Japanese Flowering	Malus floribunda
Crabapple, Madonna	Malus 'Madonna'
Crabapple, Spring Snow	Malus 'Spring Snow'
Crabapple, Sugar Tyme	Malus 'Sugar Tyme'
Cherry, Amanogawa Flowering	Prunus serrulata 'Amanogawa'
Cherry, Hally	Prunus 'Hally Jolivette'

Jolivette	
Cherry, Kwanzan Flowering	Prunus serrulata 'Kwanzan'
Cherry, Okame Flowering	Prunus 'Okame'
Cherry,	Prunus serrulata
Rosy Cloud	'Rosy Cloud'
Cherry, Sargent	Prunus sargentii
Cherry, Sargent, Columnar	Prunus sargentii 'Columnaris'
Lilac, Ivory Silk	Syringa reticulata 'Ivory Silk' Japanese Tree
Lilac, Summer	Syringa reticulata
Snow Japanese Tree	'Summer Snow'
Magnolia, Royal Star	Stellata 'Royal Star'
Maple, Amur	Acer ginnala
Serviceberry, Autumn Brilliance	Amelanchier grandiflora

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations**

**Chapter 1230  
Sign Regulations**

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**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.01  
General Provisions**

## 1230.01 General Provisions

### **Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.01 General Provisions / (a) Purpose**

#### **(a) Purpose**

The purpose of this Chapter is to regulate commercial and noncommercial signs and displays designed to be visible outdoors in a manner that:

- (1) recognizes the contribution business signs make to job opportunities for Barberton residents and development of the City's tax base
- (2) acknowledges the communications and advertising needs of businesses and other parties
- (3) enables the public to locate goods, services, and facilities in Barberton easily
- (4) recognizes that signs constitute a uniquely public form of communication and advertising that can have adverse effects on the public welfare that more selective media do not
- (5) helps preserve visibility of competing messages and communications effectiveness of signs
- (6) protects property values and the character of business districts and nearby neighborhoods
- (7) creates more attractive business districts
- (8) improves the image of Barberton in the minds of both residents and visitors
- (9) promotes pedestrian and traffic safety by reducing sign hazards and obstructions
- (10) provides alternatives for communication by making provision for multiple types of signs and by establishing varying levels of restriction
- (11) does not directly or indirectly restrict the message content of signs but only the time, place, and manner of their display.

### **Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.01 General Provisions / (b) Applicability**

#### **(b) Applicability**

**Barberton Development Code**

Except as specifically provided otherwise herein, beginning the date of effect of this chapter no sign, as defined herein, shall be displayed, located, erected, moved, reconstructed, extended, enlarged, converted, replaced, or altered except in conformance with the provisions of this chapter and after issuance of a Sign Permit by the City of Barberton.

Except where specifically indicated otherwise, all provisions herein shall apply both to Permanent Signs and to Temporary Signs.

The provisions of this chapter shall not apply retroactively to any sign legally installed prior to the date of effect of this chapter except for:

- (1) the maintenance provisions of division 1230.04(e), and
- (2) the transition provisions of Section 1230.06.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.01  
General Provisions / (c) Regulation by Land Use, Not Zoning**

**(c) Regulation by Land Use, Not Zoning**

Where the regulations herein vary with land use category, as in Tables 1230B, 1230C, and 1230D, they normally vary with the actual character of the use and not with the character of the zoning district.

This form of regulation is intended to recognize that:

- (1) different land use categories have different requirements for signage, with retail uses having the greatest requirement and single- and two-family residential uses and vacant property the least requirement
- (2) a single zoning district often allows multiple different land use categories that have such different requirements
- (3) the viability of land uses that are nonconforming can be seriously jeopardized if they are not allowed the signage appropriate to their actual use but are instead confined to signage appropriate only to conforming uses.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.02  
Exempt and Restricted Signs**

**1230.02 Exempt and Restricted Signs**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.02  
Exempt and Restricted Signs / (a) Displays Not Regulated**

**(a) Displays Not Regulated**

The following displays shall not be subject to the provisions of this chapter:

- (1) displays that are not signs, as defined herein.
- (2) cornerstone inscriptions or other signs that are part of masonry facades of older buildings
- (3) signs on motor vehicles, boats, aircraft, and other moving vehicles, whether such vehicles are in motion or stationary, except vehicle signs, as defined herein
- (4) signs of less than 1 square foot each in sign area, such as street numbers on buildings, religious symbols like crucifixes, security system window or door stickers, identification of store hours, emblems of credit cards accepted, seals indicating membership in business or trade associations, and the like
- (5) vending machine signs under a cumulative 20 square feet per lot
- (6) signs accompanying the outdoor display of items for retail sale totalling less than 10 square feet per display
- (7) signage placed by the manufacturer on merchandise or its packaging displayed in outdoor sales displays, such as open sales lots or sidewalk sales, where such displays are permitted under zoning district or Temporary Use regulations
- (8) signs accessory to juvenile activities, such as a child's lemonade stand or temporary play-related sidewalk markings
- (9) graffiti
- (10) displays of merchandise or other items inside show windows of stores
- (11) signs of less than 1 square foot each in area that are part of window merchandise displays and are not affixed to windows
- (12) other signs within buildings that are not attached to a window or door with messages that are not legible beyond the lot or building site of the building
- (13) bulletin boards and bulletin board signs, as defined herein
- (14) Government/Utility Signs, as defined herein

(15) monuments in cemeteries or monument sales lots

(16) displays officially designated by the City Council as works of art, such as statuary, murals, or outdoor sculpture

(17) outdoor storage or display of signs produced or sold by a sign fabricator, distributor, or installer, where outdoor sales displays or storage are permitted in the zoning district

(18) signs on umbrellas at outdoor cafe tables

(19) distinctive building architectural treatments that may reflect styles, colors, or the like also used in advertising

(20) a clock, thermometer, or other meter or measuring instrument, whether having an analog or digital display

(21) displays in the interior of roofless buildings intended to be seen only from inside such buildings, such as athletic scoreboards or advertising signs along interior walls of an open stadium

(22) Landmark Signs, as defined herein

(23) other signs similar in nature in the judgment of the Building Commissioner to the above signs.

Such displays may notwithstanding be subject to Design Review under Section 1310.08 if located on properties in the PO Preservation Overlay District.

Displays that have sign areas less than those specified herein but that are arrayed together to create the effect of a larger sign, are not exempt from the regulations of this chapter.

Displays that are in the judgment of the Building Commissioner only incidentally displays exempted herein and are primarily non-exempt signs, shall be subject to the provisions of this chapter. A billboard, for example, that contains a time and temperature display does not thereby become exempt under division (a)(20).

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.02  
Exempt and Restricted Signs / (b) Signs Exempt from Permit Requirement**

**(b) Signs Exempt from Permit Requirement**

The following shall be exempt from the requirement for a Sign Permit under division 1230.07(a) but shall be subject to all other applicable provisions of this chapter:

- (1) signs for which no Sign Permit is required under Table 1230B
- (2) copy changes on changeable copy areas, as defined herein
- (3) bill or poster changes on signs consisting of bills or posters attached to a panel, such as billboards or bulletin board signs
- (4) maintenance, cleaning, or repair or replacement of broken or worn parts with comparable parts of comparable materials that does not involve removal and reinstallation of, or repair or alteration of, all or any part of the sign support structure.
- (5) existing signs for which a Sign Permit was not required prior to the date of effect of this chapter.

Such actions may notwithstanding require a Certificate of Appropriateness under Section 1310.08 if located in the PO Preservation Overlay District.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.02  
Exempt and Restricted Signs / (c) Temporary Signs**

**(c) Temporary Signs**

The following signs shall be allowed only as Temporary Signs:

- (1) A-frame and similar Ground Signs displayed on sidewalks along frontages where a principal building is located within 2 feet of the street right-of-way, such as in the Downtown area
- (2) search and beacon lights, except as required as permanent signs by government regulation.

Temporary Use signs shall not require a Temporary Use Permit under division 1310.04(a) but shall require a Sign Permit unless exempted therefrom by Table 1230B or other provision herein.

Temporary Signs shall be regulated as provided in division 1230.05(c).

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.02  
Exempt and Restricted Signs / (d) Prohibited Signs**

**(d) Prohibited Signs**

The following signs and displays shall be prohibited as both permanent and temporary signs for all land uses:

- (1) air-activated signs, as defined herein

(2) festoons, as defined herein, except during recognized holiday periods or seasonal festivals or special community events during which the outdoor display of decorations is encouraged or is customary

(3) flashing signs, as defined herein, except on Canopy Signs

(4) moving signs, as defined herein

(5) vehicle signs, as defined herein

(6) signs on lighting or utility poles

(7) signs on trees

(8) Street Bench Signs, as defined herein

(9) signs displayed on bus shelters

(10) cold-air inflatable balloon signs

(11) signs containing strobe lights visible beyond the property line

(12) temporary Ground Signs with changeable copy areas

(13) markings on street pavements, curbs, or sidewalks, except Government/Utility Signs or child play-related temporary markings.

(14) signs that violate any City regulation on emission of noise, odor, or particulate or gaseous matter

(15) Right-of-Way Signs, as defined herein

(16) Roof Signs, as defined herein.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.03 Sign Classifications**

**1230.03 Sign Classifications**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.03 Sign Classifications / (a) Purpose**



**(a) Purpose**

Signs have been classified into sign type, sign form, and sign duration categories herein in order to:

- (1) provide for the various diverse functions of signage, and
- (2) provide flexibility in how, where, and when signs may be displayed, and
- (3) treat signs that are equivalent in their land use impact similarly, and
- (4) refrain from regulating directly or indirectly the message content of signage.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.03 Sign Classifications / (b) Sign Types**

**(b) Sign Types**

Signs have been classified into sign type classifications based on their location on or adjacent to a property or their function.

The classifications are:

- (1) Entrance Signs
- (2) Drive-Through Signs
- (3) Right-of-Way Signs
- (4) Government/Utility Signs
- (5) Other Signs

Government/Utility Signs are not subject to the provisions of this chapter.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.03 Sign Classifications / (c) Sign Forms**

**(c) Sign Forms**

Signs are also classified into sign form categories and subclassifications based on their positioning on or off a building or projection thereof.

The categories are:

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.03 Sign Classifications / (c) Sign Forms / (1) Facade Signs**

***(1) Facade Signs***

A. Wall Signs

B. Window Signs

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.03 Sign Classifications / (c) Sign Forms / (2) Ground Signs**

***(2) Ground Signs***

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.03 Sign Classifications / (c) Sign Forms / (3) Awning and Canopy Signs**

***(3) Awning and Canopy Signs***

A. Under Canopy Signs

B. Other Signs

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.03 Sign Classifications / (c) Sign Forms / (4) Projecting Signs**

***(4) Projecting Signs***

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.03 Sign Classifications / (c) Sign Forms / (5) Roof Signs.**

***(5) Roof Signs.***

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.03 Sign Classifications / (d) Sign Duration**

**(d) Sign Duration**

All signs are considered either:

- (1) Permanent Signs, as defined herein, or
- (2) Temporary Signs, as also defined herein.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards**

**1230.04 Sign Standards**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (a) Sign Dimensions**

**(a) Sign Dimensions**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (a) Sign Dimensions / (1) Sign Height**

***(1) Sign Height***

**A. Maximum Height**

Sign heights of signs shall conform to:

1. the standards of Table 1230E, and
2. the regulations for Vision Clearance Triangles in division 1240.02(e)(8).

**B. Exceptions**

1. Vision Clearance Triangle

The Planning Director may allow a sign height for a Ground Sign exceeding that otherwise permitted by Table 1230E if he or she determines that:

- a. it is impractical to locate the Ground Sign outside the Vision Clearance Triangle, as provided in division 1240.02(e)(8), and
- b. a Ground Sign within the Triangle could not conform to the regulations of division 1240.02(e)(8) and also to the maximum height of Table 1230E.

The Director shall allow only the low-est sign that permits a sign of reasonable size and shape to conform to div-ision 1240.02(e)(8).

2. Bonuses

Because the impact of tall signs on their environs may be mitigated if certain measures

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are taken, sign heights of Table 1230E may be in-creased as provided in Table 1230I.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (a) Sign Dimensions / (2) Sign Area**

***(2) Sign Area***

Maximum sign area shall be as specified by Table 1230D.

Because the impact of large signs on their environs may be mitigated if certain measures are taken, sign areas of Table 1230D may be increased as provided in Table 1230I.

Multiple signs arrayed together to create the visual effect of a sign with a sign area exceeding the maximum allowed hereunder are prohibited.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (b) Location and Placement**

***(b) Location and Placement***

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (b) Location and Placement / (1) Within Public Right-of-Way**

***(1) Within Public Right-of-Way***

No sign or associated light fixture shall be located within, project into, or overhang a public right-of-way, such as a sign upon a utility pole therein or extending over a sidewalk, except as permitted in Table 1230F, division 1230.02(c)(1), or elsewhere herein.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (b) Location and Placement / (2) Setbacks**

***(2) Setbacks***

**A. Vision Clearance Triangle**

Both permanent and temporary Ground and Projecting Signs shall be set back from the street pavement as necessary to comply with the restrictions on obstructions within Vision Clearance Triangles in division 1240.02(e)(8).

**B. Other Setbacks**

Ground Signs shall be set back no less than 5 feet from street lines except for signs

specifically allowed lesser setbacks under division 1230.02(c) or other provision herein.

Ground Signs of over 200 square feet in sign area, where permitted, shall be set back no less than 20 feet from any Residential District.

Signs mounted on flat or pitched roofs, where permitted, shall be set back 4 feet or more from all edges of the roof to allow passage around all sides of the sign.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (b) Location and Placement / (3) Traffic Hazards**

***(3) Traffic Hazards***

No sign may by reason of location or location and size significantly obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic signal or control device.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (b) Location and Placement / (4) Obstructions**

***(4) Obstructions***

No sign may obstruct a fire escape, door, or other entrance or exitway, nor a window required for ventilation by any City code.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (b) Location and Placement / (5) Architectural Harmony**

***(5) Architectural Harmony***

Permanent Facade Signs shall not cover or overlap cornices, eaves, columns, window and door frames, wall corners, and decorative elements of the architecture of the building.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (b) Location and Placement / (6) Clearance**

***(6) Clearance***

All projecting and ground signs shall have a minimum clearance of 8 feet over pedestrian areas and 15 feet over streets, alleys, and vehicular areas, as defined herein.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (b) Location and Placement / (7) Overhead Lines**

***(7) Overhead Lines***

No sign shall be so located as to interfere with overhead utility lines or cause any hazard to the public in connection therewith.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (b) Location and Placement / (8) Projection**

***(8) Projection***

Sign projection shall not exceed the standards of Table 1230F.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (c) Illumination**

***(c) Illumination***

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (c) Illumination / (1) Area Lighting**

***(1) Area Lighting***

As used herein, sign illumination shall not be construed as referring to any illumination of signs provided by light sources intended to illuminate an area in which a sign is located--such as street lights, facade lighting, or parking lot lighting--rather than specifically to illuminate the sign.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (c) Illumination / (2) Bare Bulb Illumination**

***(2) Bare Bulb Illumination***

Illumination by bare bulbs is prohibited, except for:

- A. neon or similar tubing of any color
- B. shielded external lighting
- C. changing signs, as defined herein
- D. marquees of operating theatres
- E. Landmark Signs.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (c) Illumination / (3) External Light Fixtures**

***(3) External Light Fixtures***

External lighting fixtures shall be concealed wherever possible in the judgment of the Planning Director except for temporary installations or for stylized decorative fixtures that constitute part of a design treatment.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (c) Illumination / (4) Constant and Even Illumination**

***(4) Constant and Even Illumination***

Sign illumination shall be constant in intensity and color, except as otherwise permitted herein, such as for changing signs. Illumination shall be of uniform intensity over the sign face.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (c) Illumination / (5) Non-Glaring**

***(5) Non-Glaring***

The external lighting for any illuminated sign shall be shaded, shielded, or directed so as not to cause glare in surrounding properties or in public streets.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (c) Illumination / (6) Traffic Hazards**

***(6) Traffic Hazards***

No direct or reflected light from a light source for an illuminated sign shall create a traffic hazard for motor vehicles.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (c) Illumination / (7) Illumination Prohibited**

***(7) Illumination Prohibited***

**A. Signs Without Permits**

Signs allowed without Sign Permits under Table 1230B shall not be illuminated.

**B. Projecting Signs**

Projecting signs shall have no internal illumination.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (c) Illumination / (8) Decorative Illumination**

***(8) Decorative Illumination***

Decorative lighting that does not constitute a sign, as defined herein, shall not be subject to the provisions of this chapter but may be subject to the requirements of other City regulations.

Such lighting includes facade illumination, neon accent lighting, backlit awnings not bearing signs, Christmas lights not bearing signs, and the like.

Backlit awnings shall conform to Section 1140.01(b)(4).

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (d) Construction Standards**

***(d) Construction Standards***

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (d) Construction Standards / (1) Building and Electrical Codes Apply**

***(1) Building and Electrical Codes Apply***

All permanent signs shall conform to the Building and Electrical Codes of the City of Barberton.

Required Building or Electrical Permits shall be obtained at the same time as the Sign Permit.

Conductors for illuminated signs shall be enclosed in rigid conduit or other approved raceways. All sign circuit conduit shall where possible be concealed from public view.

Electric signs shall be listed with Underwriters Laboratories or shall conform to specifications that are equivalent in the judgment of the Building Commissioner.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (d) Construction Standards / (2) Framework**

***(2) Framework***

To the extent possible in the judgment of the Planning Director, all permanent signs shall be designed so that all framework for the support of the sign, other than supporting poles for a free-standing sign, shall be contained within or behind the face of the sign, or within the building, so as



not to be visible to public view.

This restriction shall not apply to framework that is of stylized design intended as part of the design treatment.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (d) Construction Standards / (3) Attachments**

***(3) Attachments***

All letters, figures, characters, and embellishments on a sign shall be safely and securely attached to the sign structure.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (d) Construction Standards / (4) Treatment of Wood**

***(4) Treatment of Wood***

Wood used in sign fabrication that will be exposed to the weather when the sign is displayed shall be rated for exterior exposure.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (e) Maintenance and Repair**

***(e) Maintenance and Repair***

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (e) Maintenance and Repair / (1) Upkeep Required**

***(1) Upkeep Required***

The appearance and safety of all signs, including signs installed prior to the date of effect of this chapter, shall be maintained by the owner thereof at all times.

**A. Cleaning and Repainting**

Painted and unpainted signs, embellishments, and support structures shall be cleaned as necessary to prevent an un-sightly or blighted appearance.

Painted signs and support structures shall be repainted as necessary to prevent excessive peeling paint, faded colors, rust, corrosion, rotting, or other deterioration in the appearance or structural safety of the sign.

**B. Supports**

All supports, anchors, guys, and braces for a sign shall be maintained in safe and secure condition.

**C. Illumination**

Any source of illumination shall be kept in safe working order at all times.

**D. Debris**

The area on the ground on the same lot within 10 feet in all directions from any part of a Ground Sign shall be kept clear of all debris and refuse.

**E. Landscaping**

Any vegetative landscaping at the base of Ground Signs shall be maintained in a living and healthy condition free of weeds, bare spots, and debris, as required in Chapter 1220, Landscaping and Screening.

**F. Other**

Missing characters in the sign message shall be replaced.

Broken or damaged sign faces, framing, or support structures shall be repaired, replaced, or removed.

Mounting and electrical holes for signs that have been removed that are not used for a replacement sign shall be

filled or concealed. Discolorations shall be removed from facades that create "shadows" of signs or characters that have been removed.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (e) Maintenance and Repair / (2) Maintenance Inspections**

*(2) Maintenance Inspections*

**A. At City Initiative**

The Building Commissioner may at any time inspect any sign for conformance to the maintenance requirements of division (e)(1) and take authorized enforcement actions.

**B. At Request of Sign Owner**

**Barberton Development Code**

Apart from such involuntary inspections, a sign owner may, in order to qualify for benefits under Section 1230.06 or Table 1230I, request a Maintenance Inspection by the Commissioner.

Such a requested inspection shall include all signs on the lot or building site owned or used by a particular business or other occupant. It shall be limited to determining compliance with the requirements of division (e)(1) and shall not include inspection for compliance with any other provision of this chapter or of any other City development or building regulations.

If after such inspection, the Commissioner determines that all requirements of division (e)(1) have been complied with, he or she shall issue a Maintenance Certificate so certifying.

The Maintenance Certificate shall expire on the earlier of:

1. one year from the date of issuance, or
2. the date of a determination by the Commissioner that there has been a violation of the requirements of division (e)(1) on any sign included in the Certificate.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (e) Maintenance and Repair / (3) Wall Restoration**

***(3) Wall Restoration***

Exterior building wall surfaces on which signs have been displayed shall be either covered with another sign or restored to their previous condition as determined by the Building Commissioner within 30 days of the date the sign is removed.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (f) Content**

**(f) Content**

No provision or definition in this chapter shall be interpreted as requiring, prohibiting, or otherwise regulating, or making regulatory distinctions based

on, the sign content, as defined herein, of any sign except where clearly indicated otherwise, as in 1230.04(g)(1) or 1230.04(g)(2), for purposes of public safety or administrative efficiency.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (g) Other Standards**

**(g) Other Standards**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (g) Other Standards / (1) Resemblance to Traffic Devices**

***(1) Resemblance to Traffic Devices***

No sign shall by reason of shape, color, use of lighting, or other factor be similar in appearance to any traffic signal or traffic sign or railroad sign or signal in a way that may interfere with traffic movement or safety.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (g) Other Standards / (2) Permit Number**

***(2) Permit Number***

Every sign issued a Sign Permit shall display a City sticker with the Permit number displayed in a conspicuous place.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (g) Other Standards / (3) Vegetation Impairing Sign Visibility**

***(3) Vegetation Impairing Sign Visibility***

For the purpose of enhancing the visibility of a sign, a tree, shrub, or other vegetation may be trimmed, removed, damaged, or destroyed only if:

A. its removal is not prohibited by division 1220.05(d) or other regulation and its preservation is not required to meet landscaping requirements of Chapter 1220 or any other requirement or condition under any City permit or certificate, and

B. the owner or management of the public or private property on which the vegetation is located has given express written authorization for the work.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (g) Other Standards / (4) Design Guidelines**

***(4) Design Guidelines***

Parties proposing to display new or remodeled signs are encouraged but not required to conform to the Design Guidelines in Table 1230K.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (g) Other Standards / (5) Signs on Private Property**

*(5) Signs on Private Property*

Signs shall be displayed on private property only with the written permission of the property owner.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (g) Other Standards / (6) Signs on Public Property**

*(6) Signs on Public Property*

Signs shall be displayed in City parks only with the written permission of the Parks and Recreation Commission.

Signs shall be displayed in public street rights-of-way only in conformance with provisions for Right-of-Way Signs herein and other City regulations governing public street rights-of-way.

Signs shall be displayed on other public property only with written permission of the agency owning or managing such property.

The requirements of this division shall not apply to Government/Utility Signs, as defined herein.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (g) Other Standards / (7) Sign Materials**

*(7) Sign Materials*

No permanent sign other than a flag or awning sign shall be fabricated from:

- A. canvas, or
- B. cloth, or
- C. flexible vinyl.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.04 Sign Standards / (g) Other Standards / (8) Other**

*(8) Other*

Signs shall conform to applicable standards in Tables 1230A, 1230B, 1230C, 1230D, 1230E, 1230F, 1230G, and 1230H.

Signs shall conform to regulations of the Ohio Department of Transportation (Chapter 5501:2-2 of the Ohio Administrative Code). Where ODOT regulations and the provisions of this chapter conflict with respect to ODOT-Regulated Signs, as defined herein, the provision that is the more restrictive or

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that establishes the higher standard shall govern.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.05 Rules for Special Signs**

**1230.05 Rules for Special Signs**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.05 Rules for Special Signs / (a) Changeable Copy Areas**

**(a) Changeable Copy Areas**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.05 Rules for Special Signs / (a) Changeable Copy Areas / (1) Where Allowed**

*(1) Where Allowed*

Changing signs, as defined herein, shall be allowed only on a single permanent Entrance Sign per lot.

Manual changeable copy areas such as message boards are allowed on all sign forms without limitation as to number of signs per lot except as provided in division 1230.02(d).

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.05 Rules for Special Signs / (a) Changeable Copy Areas / (2) Maximum Area**

*(2) Maximum Area*

A changeable copy area, as defined herein, shall be no more than 50 percent of the sign area of the permanent sign of which it is a part except on canopy signs.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.05 Rules for Special Signs / (a) Changeable Copy Areas / (3) Integration into Sign**

*(3) Integration into Sign*

Changeable copy areas on permanent signs shall be integrated into the face of the sign by use of a border or similar treatment that provides a visual linkage to the rest of the sign.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.05 Rules for Special Signs / (b) Ground Signs**

**(b) Ground Signs**

Permanent ground signs shall be supported by one or more poles or pylons or another base or anchor approved by the Building Commissioner that is attached permanently to the ground and not mounted on trailers or other moveable supports.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.05 Rules for Special Signs / (c) Temporary Signs**

**(c) Temporary Signs**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.05 Rules for Special Signs / (c) Temporary Signs / (1) Signs Allowed**

***(1) Signs Allowed***

**A. Tables 1230B and 1230C**

Temporary Signs are permitted with or without Sign Permits as provided in Tables 1230B and 1230C.

**B. Substitutes for Permanent Signs**

In addition to the Temporary Signs allowed under Tables 1230B and 1230C, a Temporary Sign may be displayed in lieu of a Permanent Sign pending delivery of the Permanent Sign, as with a new business, or during the off-site repair of such Permanent Sign.

Such a Temporary Sign shall conform to all requirements applicable to the Permanent Sign for which it is substituting except where the Building Commissioner determines such conformance to be impractical.

The Commissioner may require submission of a copy of the sales order or repair order for the Permanent Sign as evidence that a Temporary Sign qualifies under this provision.

**C. Signs Allowed Only as**

**Temporary Signs**

Signs allowed only as Temporary Signs are as specified in division 1230.02(c).

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.05 Rules for Special Signs / (c) Temporary Signs / (2) Temporary Changeable Signs**

***(2) Temporary Changeable Signs***

No Temporary Sign with a changeable copy area shall be permitted on any lot or building on which a Permanent Sign containing a changeable copy area is displayed.

Temporary Ground Signs with changeable copy areas are prohibited under division 1230.02(d).

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.05 Rules for Special Signs / (c) Temporary Signs / (3) Time Limits**

***(3) Time Limits***

**A. Signs Without Messages**

Temporary signs shall be removed if at any time they fail to display a message for over 72 consecutive hours.

**B. Inoperative Temporary Signs**

Temporary Signs not having changeable copy areas shall be removed by the owner thereof within 10 days after events or the passage of time have in the judgment of the Building Commissioner rendered the signs no longer operative, valid, or timely, such as after the end of a yard sale for a sign announcing the sale, the date of an election for an election campaign sign, the consummation of the sale or lease of a property for a real estate sign, or the completion of construction for a construction sign.

**C. Other Temporary Signs**

All other Temporary Signs shall be removed as provided in Table 1230H.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.05 Rules for Special Signs / (c) Temporary Signs / (4) Financial Guarantee for Removal**

***(4) Financial Guarantee for Removal***

The Building Commissioner shall require a deposit or financial guarantee under Section 1350.02 in a reasonable amount as determined by City Council to assure removal of any Temporary Sign requiring a Sign Permit.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.05 Rules**



**for Special Signs / (c) Temporary Signs / (5) Temporary ODOT-Regulated Signs  
(5) Temporary ODOT-Regulated Signs**

Temporary Signs that are ODOT-regulated signs, as defined herein, shall meet all requirements of ODOT regulations applicable to permanent signs.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.05 Rules for Special Signs / (d) Landmark Signs**

**(d) Landmark Signs**

Landmark Signs, as defined herein, shall be exempt from the regulations of this chapter and shall therefore not be considered nonconforming even though not in compliance with the provisions herein.

Except that the Building Commissioner may require repair or removal within 30 days of his or her order of any Landmark Sign that he or she determines to constitute an immediate threat to public health or safety.

Alterations to Landmark Signs shall require issuance of a Certificate of Appropriateness under Section 1310.08.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.05 Rules for Special Signs / (e) Awning and Canopy Signs**

**(e) Awning and Canopy Signs**

Awning and Canopy Signs are subject to the general restrictions on awnings and canopies of Chapter 1140, Accessory Uses and Yards.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.06 Transition to New Code**

**1230.06 Transition to New Code**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.06 Transition to New Code / (a) Purpose**

**(a) Purpose**

Over the short term, the appearance of the City's signage, and as a consequence the appearance of its business areas, can be most significantly improved by the maintenance of existing signs and the replacement of older, deteriorated signs.

In addition, the acceptance of and acclimation to new regulations that set higher standards for signs can be facilitated by special transitional provisions that preserve some property rights and privileges enjoyed under the less restrictive regulations they replace.

The provisions of this section are therefore intended:

(1) through division (b)(1), to encourage the prompt voluntary replacement of older and de-teriorated signs, and

(2) through division (b)(2), to encourage sign maintenance pending replacement of signs that are not ready for immediate replacement, and

(3) through division (d), to allow privileges enjoyed under previous regulations to be continued in cases in which a sign owner furthers either of the first two objectives.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.06  
Transition to New Code / (b) Eligible Actions**

**(b) Eligible Actions**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.06  
Transition to New Code / (b) Eligible Actions / (1) Immediate Replacement**

***(1) Immediate Replacement***

An existing permanent nonconforming sign shall be granted the benefits of division (d) if it:

A. is proposed to be replaced in a Sign Permit application dated no later than 360 days after the date of effect of this section, and

B. conforms to division (c).

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.06  
Transition to New Code / (b) Eligible Actions / (2) Yearly Maintenance and Eventual Replacement**

***(2) Yearly Maintenance and Eventual Replacement***

An existing permanent nonconforming sign shall also be granted the benefits of division (d) if:

A. the premises of the sign has been issued a Maintenance Certificate under Section 1230.04(e)(2) every year from the date of effect of this section to the date of a Sign Permit application for a new sign to replace it, and

B. the sign to be replaced conforms to division (c).

Such Permit application shall be filed no later than 5 years after the date of effect of this section.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.06  
Transition to New Code / (c) Eligible Signs**

**(c) Eligible Signs**

A legal nonconforming sign to be replaced under the provisions of division (b)(1) or (b)(2) shall:

(1) not be an ODOT-Regulated Sign, as defined herein, and

(2) be determined by the Planning Director based on information filed with the application, on City records, and/or on other available information:

A. to be located in a non-residential zoning district, and

B. not to be a Landmark Sign, and

C. to be no less than 5 years old as of the date of application, or to otherwise be a sign characterized by a deteriorated or unsightly appearance, and

(3) be completely replaced no later than 180 days after the Sign Permit is issued with a newly fabricated permanent sign.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.06  
Transition to New Code / (d) Benefits**

**(d) Benefits**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.06  
Transition to New Code / (d) Benefits / (1) New Sign Need Not Conform**

***(1) New Sign Need Not Conform***

With respect to the requirements for sign area, sign height, projection, and spacing, a sign proposed to replace a sign qualifying under this section may, in lieu of conforming to the normal requirements of this Code, conform instead to the characteristics of the sign it replaces. The provisions

of Chapter 1340 shall not apply to the installation of replacement signs under this section.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.06**  
**Transition to New Code / (d) Benefits / (2) New Sign Is Nonconforming**  
*(2) New Sign Is Nonconforming*

To the extent the replacement sign does not conform to any requirement of this chapter or other provisions of this Code, the sign shall be considered a legal nonconforming sign under Chapter 1340.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.06**  
**Transition to New Code / (d) Benefits / (3) New Sign May Not Be More Nonconforming**  
*(3) New Sign May Not Be More Nonconforming*

No replacement sign installed hereunder shall conform to any lesser degree, or fail to conform in any other particular, to the requirements of this chapter than the sign it replaced.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.06**  
**Transition to New Code / (e) Cabinets and Support Structures for Replaced Signs**

**(e) Cabinets and Support Structures for Replaced Signs**

A cabinet or pole, pylon, hanger, or other support structure for a sign to be replaced hereunder shall not be required to be replaced if:

(1) it is completely sanded and repainted or, if unpainted, cleaned and restored to a new-appearing condition, and

(2) any missing, broken, damaged, or unsightly parts thereof are completely repaired or replaced with new or like-new parts of comparable materials.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07**  
**Administration**

**1230.07 Administration**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07**  
**Administration / (a) Sign Permits**

**(a) Sign Permits**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07  
Administration / (a) Sign Permits / (1) Sign Permit Required**

***(1) Sign Permit Required***

Except as provided in divisions 1230.02(a) and (b), a Sign Permit shall be required to erect, install, or otherwise display any sign, as defined herein, or to alter, move, extend, enlarge, or repair a sign. A currently valid Sign Permit shall be required at all times during which such signs are displayed.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07  
Administration / (a) Sign Permits / (2) Contents of Sign Permit Application**

***(2) Contents of Sign Permit Application***

An application for a Sign Permit shall be made upon forms provided by the Building Commissioner. It shall include the applicable information provided for in Table 1230J except such information as the Building Commissioner may determine inapplicable to or unnecessary for review of the particular sign requested.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07  
Administration / (a) Sign Permits / (3) Issuance of Sign Permits**

***(3) Issuance of Sign Permits***

The Commissioner shall issue a Sign Permit for any sign for which a complete and accurate Sign Permit Application and Permit fee in an amount established by City Council have been filed if he or she has determined that the proposed sign is in compliance with this and other applicable City codes. Permits shall be issued or denied within 5 days of filing.

The Permit fee shall be doubled if the sign has been fully or partially installed prior to issuance of the Permit.

The Commissioner shall give written notice to the applicant of denial of a Sign Permit Application together with the reasons therefor.

A Sign Permit may be assigned to a successor owner of the business or other organization to which the Permit was issued.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07**

**Administration / (a) Sign Permits / (4) Permit Revocation**  
***(4) Permit Revocation***

**A. Misstatements**

The Building Commissioner may revoke in writing to the permittee any Sign Permit issued on the basis of misstatement of fact by the applicant.

**B. Timely Installation**

A Sign Permit shall be automatically revoked if the sign authorized thereby has not been completely installed or displayed within 6 months of the date issued, unless the Building Commissioner has granted an extension.

Such extension shall be applied for before expiration of the initial 6-month period and shall be limited to a single extension of 6 months.

**C. Revocation for Non-Compliance**

The Building Commissioner shall revoke a Sign Permit if upon inspecting a sign at any time after its installation he or she determines that it is not in compliance with the information provided in the Sign Permit application and with all applicable requirements of this and other City codes.

**D. Reason for Revocation**

The Building Commissioner shall advise the applicant in writing of the reasons for any revocation.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07**  
**Administration / (a) Sign Permits / (5) Guarantee Required**  
***(5) Guarantee Required***

A deposit or financial guarantee under Section 1350.02 in a reasonable amount as determined by City Council shall accompany all Sign Permit applications for Permanent Signs. It shall be returned to the applicant upon determination by the Building Commissioner that installation and/or initial display of the sign has complied with all applicable City regulations.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07**  
**Administration / (b) Sign Removal**

**(b) Sign Removal**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07  
Administration / (b) Sign Removal / (1) Face Removal**

***(1) Face Removal***

When a sign face of any permanent sign is re-moved, leaving only the cabinet and/or support structure, the sign owner or owner of the premises shall within 30 days of such removal:

- A. replace the entire face (unless prohibited under Chapter 1340), or
- B. install a weatherproof blank face or face cover no larger than the original face and made of a material approved by the Building Commissioner, or
- C. remove all remaining components of the sign and its support structure.

This requirement shall not apply to sign face removal for a maximum period of 30 days for repair or maintenance.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07  
Administration / (b) Sign Removal / (2) Unsafe Signs**

***(2) Unsafe Signs***

Any sign or portion thereof that the Building Commissioner determines to be unsafe shall be removed or satisfactorily repaired within 30 days of his or her order to do so. If such action is not taken, the Commissioner may have such removal or repair accomplished at the sign owner's expense.

The Commissioner may have any sign or portion thereof that he or she determines to constitute an immediate threat to public health or safety removed summarily and without notice.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07  
Administration / (b) Sign Removal / (3) Nonconforming Signs**

***(3) Nonconforming Signs***

Nonconformities in signs shall be removed as provided under Chapter 1340.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07  
Administration / (b) Sign Removal / (4) Temporary Signs**

***(4) Temporary Signs***

Temporary Signs shall be removed as provided in division 1230.05(c).

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07  
Administration / (b) Sign Removal / (5) Signs on Public Property  
*(5) Signs on Public Property***

Any sign displayed in a public right-of-way or on other public property contrary to the provisions of this chapter shall be forfeited to the public and be subject to confiscation.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07  
Administration / (c) Exceptions**

**(c) Exceptions**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07  
Administration / (c) Exceptions / (1) Variances  
*(1) Variances***

Variances to the requirements of this chapter may be approved as provided in division 1310.03(a).

A Variance to the requirements for area, height, location, number of signs, or sign form may be approved if necessary to make a sign or a use reasonably visible from the abutting street to which the sign or use is oriented if without the Variance such visibility would be impaired by topography, landscaping, or existing development.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07  
Administration / (c) Exceptions / (2) Design Exceptions  
*(2) Design Exceptions***

The Planning Commission may approve a Special Exception to one or more requirements of this chapter when it makes written Findings of Fact that literal conformance to such requirement(s) would be detrimental to the creation of a sign display of unusual or outstanding design quality.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07  
Administration / (c) Exceptions / (3) Not in Lieu of Bonuses  
*(3) Not in Lieu of Bonuses***

A Variance or Design Exception may be approved only to the extent that the applicable Review Body finds that the bonus provisions of Table 1230I would be inapplicable or insufficient to grant the



required relief.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07  
Administration / (c) Exceptions / (4) Exceptions for Replicated Historic Signs  
(4) *Exceptions for Replicated Historic Signs***

The Design Review Board may allow the display of a new sign designed to faithfully replicate an historic sign even though such sign does not conform to the provisions of this chapter.

Before allowing such display, the Board shall determine based on documentation provided by the applicant that:

- A. the sign being replicated was once displayed on the property, and
- B. its re-creation would contribute to the preservation or restoration of the historic character of the premises.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07  
Administration / (d) Other Regulations**

**(d) Other Regulations**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07  
Administration / (d) Other Regulations / (1) Insurance  
(1) *Insurance***

A bond or insurance shall be provided as required under Section 1430.04 of the Building and Housing Code.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07  
Administration / (d) Other Regulations / (2) Licensing  
(2) *Licensing***

No person shall perform work upon a sign who is not currently licensed by the City under Chapter 1430, except as exempted therein.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.07  
Administration / (d) Other Regulations / (3) Nonconformities**

*(3) Nonconformities*

All signs holding Sign Permits or Building Permits issued, or that were otherwise lawfully existing, prior to the date of effect of this chapter, but which are not in conformance with applicable regulations herein, may be continued as Nonconformities. Such signs shall be subject to the provisions of Chapter 1340 for the elimination of Nonconformities except as provided in Section 1230.06.

The requirements of this chapter shall not apply retroactively to nonconforming signs except for the maintenance requirements of division 1230.04(e) and the transition provisions of Section 1230.06.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions**

**1230.08 Sign Definitions**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (a) Other Definitions Applicable**

**(a) Other Definitions Applicable**

The definitions in this section are terms used predominantly in connection with the regulations of this chapter. Other definitions applicable to the provisions of this chapter appear in Chapter 1360.

Definitions of two-word terms, such as "canopy sign," are sometimes listed herein under the second word.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions**

**(b) Definitions**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (1) Changeable Copy Area:**

*(1) Changeable Copy Area:*

A sign or part thereof designed for frequent changes of message copy, including message boards, changing signs, and other signs with electronically-displayed messages or removable letters.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (2) Festoons:**

**(2) Festoons:**

A string of light bulbs not shaded or hooded to prevent their being visible at the property line, or of ribbons, tinsel, pinwheels, banners, pennants, or similar devices that is hung outside a structure.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (3) Number of Signs:**

**(3) Number of Signs:**

The number of display surfaces or display devices containing elements organized, related, and composed to form a unit, whether displayed on a single or multiple support structures or facades.

Signs in separate cabinets shall be considered separate signs. Elements of a Facade Sign not in cabinets, such as letters or symbols, shall be considered separate signs if the distance between them exceeds two times the sum of the longest dimensions of the elements.

**Please Note: To view the Number of Signs Graphic, see page 1230-18 of the printed version of the Barberton Development Code**

A face of a multiple-sided sign shall be considered a separate sign if at any point the distance between the back of the face and the back of another face of the same sign exceeds 10 feet. The two faces of a double-sided sign are therefore normally considered to constitute a single sign.

Where in the judgment of the Planning Director copy and decorative matter are displayed randomly without an organized relationship of elements, all such elements shall be considered multiple signs even if they are displayed on a single structure or facade.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (4) Parapet:**

**(4) Parapet:**

That portion of a wall that extends above the level of the roof where it meets the wall.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign**

**Definitions / (b) Definitions / (5) Sign:**

**(5) Sign:**

Any visual or graphic device that is designed and/or used to communicate--primarily through use of words, numbers, characters, and/or proprietary symbols, as defined herein--a verbal and/or visual message and that is visible from ground level beyond the lot or building site in which the sign is displayed.

Such a device shall be considered a sign whether or not a message is currently displayed thereupon. Sign shells, embellishments, and support structures shall be considered part of the sign.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (6) Sign, Air-Activated:**

**(6) Sign, Air-Activated:**

A sign all or any part of which is designed to be moved by action of the air for the purpose of attracting attention, including signs with spangles or moveable colored disks but excluding flags, banner signs, or festoons.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (7) Sign Area:**

**(7) Sign Area:**

The total exposed surface on the largest single sign face of a sign, including sign background but excluding purely decorative embellishments and any supporting structure that does not form part of the sign proper.

The area of an internally-illuminated sign shall be the area enclosed within the cabinet. The area of a sign consisting solely of individual letters or symbols presented with no added background or decoration against a building wall or other surface that does not serve solely or principally as a sign, such as an awning or canopy, shall be the sum of the areas within rectangular envelopes completely enclosing each separate letter or symbol, excluding punctuation, or each attached group thereof.

The sign area of a sign that displays messages on more than two faces or on a single continuous surface that wraps around the sign (such as a spherical sign or balloon) shall include only such sign area as may be visible at any one time from a point on the ground within 200 feet of the sign.

**Please Note: To view the Sign Area Graphic, see page 1230-19**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (8) Sign, Awning:**

***(8) Sign, Awning:***

A sign displayed on an awning.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (9) Sign, Balloon:**

***(9) Sign, Balloon:***

An inflated figure or object the largest dimension of which exceeds 3 feet. Balloon signs do not include aircraft such as hot air balloons or dirigibles.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (10) Sign, Banner:**

***(10) Sign, Banner:***

A sign displayed on lightweight material, either enclosed or not enclosed in a rigid frame, and secured or mounted so as to allow movement of the material caused by movement of the air.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (11) Sign, Bulletin Board:**

***(11) Sign, Bulletin Board:***

A temporary notice, typically of paper, placed upon a bulletin board or kiosk designed for temporary display of such notices by the public.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (12) Sign, Canopy:**

***(12) Sign, Canopy:***

A sign displayed on a canopy.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (13) Sign, Changing:**

***(13) Sign, Changing:***

A sign with a message copy or other display that is capable of being periodically changed electronically or electrically, such as a time and temperature sign or a multi-prism sign.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (14) Sign Clearance:**

***(14) Sign Clearance:***

The smallest vertical distance to grade (or to the surface of the roof in the case of a sign mounted upon or over a roof) from the low-est edge of a sign extending over that grade or surface, including embellishments but excluding any pole or support structure attached to the ground or roof.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (15) Sign Content**

***(15) Sign Content***

The advertising, informational, or other message directly conveyed by the characters and symbols used on a sign. Messages conveyed indirectly by the dimensions, media, colors, design, materials, sign form, lighting, positioning, movement, or similar characteristics of a sign--such as emotional messages or psychological effects--are not considered sign content as used in these regulations.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (16) Sign, Drive-Through:**

***(16) Sign, Drive-Through:***

A sign adjacent to or otherwise visible from drive-through facilities, as defined herein, and designed to be read by motorists using the facilities.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (17) Sign Embellishment:**

***(17) Sign Embellishment:***

Any purely decorative framing or trim attached to or superimposed upon a sign. Embellishments include framing, decorative roofing, pole covers, and the like.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign**

**Definitions / (b) Definitions / (18) Sign, Entrance:**

***(18) Sign, Entrance:***

A sign located at or near one or more principal or secondary entrances to a principal building or at a vehicular or pedestrian entrance from the street to a lot or building site. An Entrance Sign is not required to include the word "entrance," the name of the establishment, or any other content.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (19) Sign, Facade:**

***(19) Sign, Facade:***

A sign displayed upon a facade of a building. Facade Signs are either Wall Signs or Window Signs, as defined herein.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (20) Sign Face:**

***(20) Sign Face:***

The surface of a sign upon, against, or through which the message is displayed.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (21) Sign, Flashing:**

***(21) Sign, Flashing:***

A sign that displays intermittent or flashing light, whether from internal or external light sources. Signs that produce moving or anima-ted messages or images by use of intermittent light are considered Flashing Signs.

Changing Signs, as defined herein, shall not be considered flashing signs if they are made sub-ject to a written agreement by the sign owner and sign user that there shall be displayed thereupon only messages and images that are not animated and that remain illuminated and unchanged for a minimum period of 5 seconds at a time and remain fully extinguished with zero illumination for a minimum intervening period of 2 seconds.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (22) Sign, Government/Utility:**

***(22) Sign, Government/Utility:***

1. A sign or display other than an Entrance Sign maintained by a government body or public

utility, including traffic or parking control devices; traffic control pavement markings; legal notices; warnings of hazards; city, county, or state historical markers; veterans memorials; directional signs to places of interest; and similar displays, or

2. Any sign or exterior display required to be displayed by a private party by government order or regulations, the numbers, dimensions, and other characteristics regulated herein of which do not exceed those required for compliance therewith. Such Government/Utility Signs include construction signs for government-assisted projects and signs required by legislation on access for the disabled.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (23) Sign, Ground:**

***(23) Sign, Ground:***

A sign displayed on the ground or on a structure or object thereupon, and not supported by a building roof or facade, or any part or projection of a building.

**Please Note: To view the Sign Height Graphic, see page 1230-20 of the printed version of the Barberton Development Code**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (24) Sign Height:**

***(24) Sign Height:***

The vertical distance from the highest part of a sign, including support structures and embellishments, to:

A. the mean average grade of the land--or level of the roof in the case of a roof sign--abutting the base of or directly beneath the sign, for:

1. Facade Signs, and
2. Awning and Canopy Signs, and
3. Roof Signs, and
4. Projecting Signs, and
5. Ground Signs more than 50 feet from the edge of a public street pavement, or

B. the curb level, as defined herein, of the street from which the sign is intended to be



viewed, for all other Ground Signs; or, in the case of a

lot abutting more than one street, the mean average of the curb levels of such streets.

**Please Note: To view the Sign Height Graphic (2), see page  
1230-21 of the printed version of the Barberton Development  
Code**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (25) Sign, Illuminated:**

***(25) Sign, Illuminated:***

A sign illuminated by a source of artificial light having the principal purpose of furnishing illumination for the sign whether or not said source is part of the structure of the sign.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (26) Sign, Landmark:**

***(26) Sign, Landmark:***

An older sign designated by the City Council that, by virtue of exhibiting special design qualities characteristic of an earlier era, merits special regulatory treatment because of its current rarity or unusual significance.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (27) Sign, Message Board:**

***(27) Sign, Message Board:***

A sign or part thereof on which letters, numbers, or other characters are manually changeable. Also called a copyboard, feature board, or readerboard.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (28) Sign, Moving:**

***(28) Sign, Moving:***

A sign other than a Changing Sign, as defined herein, or a flag, banner, or festoons, that has one or more visible parts designed to move for the purpose of attracting attention.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (29) Sign, Multi-Prism:**

***(29) Sign, Multi-Prism:***

A sign the message of which is periodically changed by one or more rotating panels each containing all or a part of alternate messages.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (30) Sign, ODOT-Regulated**

***(30) Sign, ODOT-Regulated***

A sign regulated by the Ohio Department of Transportation under Chapter 5516 of the Ohio Revised Code, Chapter 5501:2-2 of the Ohio Administrative Code, both as amended, and/or other applicable statutes and regulations.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (31) Sign, Painted Wall:**

***(31) Sign, Painted Wall:***

A sign painted or otherwise applied directly on or into the surface of a wall that does not serve solely as a sign. Individual letters of metal, plastic, wood, or similar substantial material mounted directly upon a wall are not considered a Painted Wall Sign.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (32) Sign, Permanent:**

***(32) Sign, Permanent:***

A sign that is not a Temporary Sign, as de-fined herein.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (33) Sign, Portable:**

***(33) Sign, Portable:***

Any sign that is moveable and not permanently attached to the ground, a structure, or another sign. Portable Signs include trailer signs and A-frame or sandwich board signs.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign**

**Definitions / (b) Definitions / (34) Sign, Projected Image:**

***(34) Sign, Projected Image:***

A sign consisting of an illuminated image projected through the air onto or through a wall or other surface. The sign shall be considered to be the surface(s) on which the projected image falls. A Projected Image Sign may be a Wall Sign, a Ground Sign, a Canopy Sign, or other form of sign.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (35) Sign, Projecting:**

***(35) Sign, Projecting:***

A sign other than an Awning Sign or Canopy Sign displayed on or from a wall of a building or a projection therefrom where the sign or the projection extends more than one foot from the face of the wall.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (36) Sign, Right-of-Way:**

***(36) Sign, Right-of-Way:***

A sign established in the right-of-way of a public or private street (including street pavement, tree lawn, and sidewalk areas). Projecting or Ground Signs mounted outside a right-of-way but extending over it, where permitted hereunder, shall not be considered Right-of-Way Signs.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (37) Sign, Roof:**

***(37) Sign, Roof:***

Any sign that projects above the parapet or the highest point of the roof, whichever is higher, of that portion of the building on which it is mounted. Signs mounted upon vertical roof surfaces, such as mansard roofs, and signs displayed on pitched roofs that do not extend higher than the peak, are considered Wall Signs.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (38) Sign Setback:**

***(38) Sign Setback:***

The shortest horizontal distance between the vertical projection of a lot line and the closest part or projection of a sign. If no lot line is specified, the applicable lot line shall be the street line(s).

**Please Note: To view the Sign Setback Graphic, see page 1230-22 of the printed version of the Barberton Development Code**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (39) Sign Spacing:**

***(39) Sign Spacing:***

The linear horizontal distance measured along a street right-of-way between the closest parts or projections of any two signs to which a spacing requirement applies that are located on the same side of the street and that are visible by traffic moving in the same direction.

**Please Note: To view the Sign Spacing Graphic, see page 1230-22 of the printed version of the Barberton Development Code**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (40) Sign, Street Bench:**

***(40) Sign, Street Bench:***

A sign displayed upon a bench provided for public seating at a bus stop or other location.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (41) Sign, Temporary:**

***(41) Sign, Temporary:***

A sign that is displayed for a limited duration as allowed in the regulations.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (42) Sign, Trailer:**

***(42) Sign, Trailer:***

A portable sign mounted on a trailer designed for support and movement of the sign.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (43) Sign, Under Canopy:**

***(43) Sign, Under Canopy:***

A sign projecting from and beneath a canopy or awning.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (44) Sign, Vehicle:**

***(44) Sign, Vehicle:***

A sign on or within a motor vehicle, boat, aircraft, recreational vehicle, manufactured home, or similar vehicle that has been parked for the primary purpose of displaying the sign.

Vehicle signs do not include:

- A. trailer signs, as defined herein
- B. lettering permanently painted on or attached to on aircraft, boats, or commercial vehicles, as defined herein, that are operating or parked during the normal course of business
- C. signs on buses or taxicabs that are operating or parked during the normal course of business
- D. signs on trailer-housed offices or displays on construction sites
- E. signs on manufactured homes used as dwellings
- F. bumper stickers
- G. signs being transported by a vehicle to an installation site.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (45) Sign, Vending Machine:**

***(45) Sign, Vending Machine:***

A permanent sign installed by the manufacturer on a fuel pump, ice dispenser, telephone booth, or other vending machine, or a replacement therefor of identical or virtually identical dimensions.

**Please Note: To view the Roof and Wall Signs Graphic, see page 1230-22 of the printed version of the Barberton Development**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (46) Sign, Wall:**

***(46) Sign, Wall:***

A sign other than a Roof Sign displayed upon an outside building wall or roof that does not project more than 2 feet from the face of the wall or higher than the roof line or the top of the parapet, whichever is higher, of that portion of the building on which it is mounted.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (47) Sign, Window:**

***(47) Sign, Window:***

A sign displayed in its entirety inside or upon a window in a wall or door and visible from outside a building.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / 1230.08 Sign Definitions / (b) Definitions / (48) Symbol, Proprietary:**

***(48) Symbol, Proprietary:***

A graphic, logotype, or other representation

registered as a trade mark or service mark or otherwise associated in content or in style, color, or other aspect of its appearance with a particular organization or a particular product or service identified with or promoted by an organization.

A drawing of a sea shell, for example, would be considered a proprietary symbol if it were stylized to resemble the logotype of Shell Oil. A graphic of an apple would be considered a proprietary symbol if stylized to resemble the logo of the Apple Computer Company.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230A: Examples of Sign Classifications**

**Table 1230A: Examples of Sign Classifications**

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230A:  
Examples of Sign Classifications / A. Sign Types**

**A. Sign Types**

*(See Tables 1230B, 1230C, 1230D, and 1230E)*

**1. Entrance Signs**

Shopping center entrance signs

Business park entrance signs

Apartment building entrance signs

Signs at rear building entrances

Secondary driveway entrance signs

Signs at building entrances from parking lot

**2. Drive-Through Signs**

Menu board signs

Drive-up bank ATM signs

**3. Right-of-Way Signs**

Bus shelter advertising signs

Street banners

Street bench signs located in street ROW

Sidewalk A-frame signs

Signs on sidewalk merchandise displays (e.g., sidewalk sales)

Advertising signs on telephone booths

**4. Government/Utility Signs** *(See 1230.02(a))*

Signs mandated by government agency (e.g., for government-funded projects)

Traffic control signs (no parking, speed limit)

Bus stop signs

**5. Other Permanent Signs**

Directional signs ("Acme Drug Left 3 Blocks")

Memorial signs

No trespassing signs

Signs on vending machines

Seat bench signs outside street right-of-way

Outdoor advertising signs (billboards)

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230A:  
Examples of Sign Classifications / B. Sign Forms**

**B. Sign Forms**

*(See Tables 1230B, 1230C, 1230D, 1230E, 1230F, 1230G)*

**1. FACADE SIGNS**

**a. Wall Signs**

Signs mounted on walls or doors

Banner signs displayed on walls

Painted wall signs

Signs consisting of an image projected on a wall

**b. Window Signs**

Signs lettered on window glass in wall or door

Paper signs mounted on inside or outside of window glass that are visible from outside

**2. GROUND SIGNS**

Monument signs

Portable, mobile, or trailer signs



Pole or pylon signs

Vehicle signs

### **3. AWNING AND CANOPY SIGNS**

#### **a. Under Canopy Signs**

Signs under strip shopping center canopy

#### **b. Other Signs**

Illuminated (backlit) awning signs

Theatre marquee signs

Signs on service station canopies

### **4. PROJECTING SIGNS** *(See Table 1230F)*

Flags projecting from a wall

Banners projecting from a wall

Wood or metal signs projecting from a wall

### **5. ROOF SIGNS**

Rooftop billboards

Rooftop building identification signs

## **Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230A: Examples of Sign Classifications / C. Sign Duration**

### **C. Sign Duration**

#### **1. Temporary Signs**

*(See 1230.02(c), 1230.05(c), and Table 1230H)*

Real estate for sale signs

Yard sale signs

Help wanted signs

- Special event signs
- Political campaign signs
- Grand opening signs
- Under construction signs
- Portable (mobile) signs (if temporary)

**2. Permanent Signs**

Signs listed are illustrative only. Some listed signs may be prohibited if so provided in this chapter.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230B: Signs Allowed Without Sign Permit [a]**

**Table 1230B: Signs Allowed Without Sign Permit [a]**

<u>Land Use [b] &amp; Sign Duration/Type</u>	<u>Maximum Number of Signs</u>	<u>Maximum Number Applies to Each:</u>	<u>Allowable Sign Form</u>	<u>Maximum Sign Area in Square Feet</u>	
<u>Example</u>					
<b><u>A. Vacant or Agricultural</u></b>					
1. Permanent Signs Sign	1	frontage	G	12	"No Dumping"
2. Temporary Signs (all types) Estate Sign	1	frontage	G	12	Real
-----					
<b><u>B. Single- &amp; Two-Family Residential</u></b>					
1. Permanent Signs Occupation Sign	1	DU	F	2	Home
2. Temporary Signs (all types) Sale Sign	2	--	G [c]	4	Yard

**C. Multi-Family Residential, Institutional, Office, or Industrial**

1. Permanent Signs	2	lot	G [c]	8	Directional Sign
2. Temporary Signs (all types) Event Sign	1	lot	G [c]	12	Special

**D. Principal Use Off-Street Parking Lots or Structures**

1. Permanent Signs	2	lot	G or F	12	Time Limit Sign
2. Temporary Signs (all types) Full" Sign	2	lot	G or F	12	"Lot

**E. Retail, Retail Office, & Personal Service**

1. Permanent Signs	2	lot	G [c]	12	Directional Sign
2. Temporary Signs:					
a. Window Signs Promotion Sign	--	--	F	[c]	Price
b. All Other Signs Sign	1	lot	G [c]	12	Help Wanted
Sign	1	g.f. bus	F	12	Grand Opening

*Note: Right-of-Way Signs are prohibited.*

*Roof Signs are prohibited.*

*Signs not allowed under this table may be allowed under Table 1230C.*

*See notes below.*

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230C:  
Total Number of Signs Allowed [j]**

**Table 1230C: Total Number of Signs Allowed [j]**

<u>Land Use [b] &amp; Sign Duration/Type</u>	<u>Maximum Number of Signs</u>	<u>Maximum Number Applies to Each:</u>	<u>Allowable Sign Form</u>	<u>Maximum Sign Area in Square Feet</u>	
<u>Example</u>					
<b><u>A. Vacant or Agricultural</u></b>					
1. Entrance Signs Sign	1	lot	G	[d]	"Lot for Sale"
2. Other Permanent Signs Sign	1	frontage	G	[d]	"No Hunting"
3. Temporary Signs (all types) Construction Sign	1	frontage	G	[d]	Under
-----					
<b><u>B. Single- &amp; Two-Family Residential</u></b>					
1. Entrance Signs [e] Entry Sign	1	[f]	G	[d]	Development
2. Other Permanent Signs Sign	1	DU	F	[d]	Resident Name
3. Temporary Signs (all types) Sign	2	--	G [c]	[d]	"It's a Boy"
-----					
<b><u>C. Multi-Family Residential, Institutional, Office, Industrial</u></b>					
1. Entrance Signs Sign	1 [g]	frontage	G [c]	[d]	Business Park
Identification Sign	1	building		F, A, or P [d]	Bldg.

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2. Other Permanent Signs Warning Sign	4	lot	G [c]	[d]	Hazard
--	---	-----	-------	-----	--------

3. Temporary Signs (all types) Sign	1	lot	G [c]	[d]	Help Wanted
--	---	-----	-------	-----	-------------

Political Sign	1	lot	F	[d]	
----------------	---	-----	---	-----	--

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**D. Retail, Retail Office, & Personal Service**

1. Entrance Signs Sign	1 [g]	frontage	G [c]	[d]	Retail Mall Pole
---------------------------	-------	----------	-------	-----	------------------

Wall Sign	1	g.f. bus	F	[d]	Retail Mall
-----------	---	----------	---	-----	-------------

Floor Office Sign	1	u.s. bus		F	[d] 2nd
-------------------	---	----------	--	---	---------

Pole Sign	1	freeway frontage	G [c]	[d]	Gas Station
-----------	---	---------------------	-------	-----	-------------

2. Drive-Through Signs [h] Sign	2	lot [i]	G [c]	[d]	Menu Board
------------------------------------	---	---------	-------	-----	------------

3. Other Permanent Signs Parking Sign	6	lot	G [c]	[d]	Restricted
--	---	-----	-------	-----	------------

## 4. Temporary Signs:

a. Window Signs	--	--	F	[d]	Fire Sale Sign
-----------------	----	----	---	-----	----------------

b. All Other Signs Sign	1	lot	G [c]	[d]	Grand Opening
----------------------------	---	-----	-------	-----	---------------

Founder's Day Sale Sign	1	g.f. bus	F	[d]	
-------------------------	---	----------	---	-----	--

**E. Principal Use Off-Street Parking Lots or Structures**

1. Entrance Signs Identification Sign	1 [g]	frontage	G	[d]	Lot
--	-------	----------	---	-----	-----

2. Other Signs	4	lot	G	[d]	
----------------	---	-----	---	-----	--

:"American Legal Publishing Corporation"

Directional Sign

3. Temporary Signs (all types)	2	lot	G	[d]	Special
Event Rate Sign					

*Note: Right-of-Way Signs are prohibited.*

*Roof Signs are prohibited.*

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230C: Total Number of Signs Allowed [j] / Notes for Table 1230B and 1230C**

**Notes for Table 1230B and 1230C**

See Tables 1230D, 1230E, 1230F, 1230G, and 1230H for additional regulations applicable to signs allowed under this table.

Where more than one entry appears for a given land use and sign type, the use may display each of the signs indicated.

Examples cited are illustrative only and do not limit the kind of sign that may be displayed.

Table 1230C includes all signs permitted under Table 1230B. Signs allowed under Table 1230C but not also under Table 1230B require Sign Permits.

A: Awning or Canopy Sign

DU or HO: Dwelling unit or home occupation

F: Facade Sign

G: Ground Sign

Lot: Per lot or building site

P: Projecting Sign

R: Roof Sign

W: Window Sign

-- : No restriction

Freeway Frontage:

Each lot frontage that abuts a freeway right-of-way and lies wholly or partially within 1,200 feet of any part of the pavement of an off-or on-ramp measured along the freeway right-of-way.

Frontage: Each lot frontage on a different street.

G.F. Bus:

Business or other non-residential occupant on the ground floor or ground floor space designed for a

single occupant, like a storefront or office. Sign allowed may identify upper-story businesses.

U.S. Bus:

Business or other non-residential occupant on an secondor third-story or secondor third-story space designed for a single occupant, like a storefront or office.

All Types:

All sign types (see 1230.03(b)) not specifically prohibited.

Number of Signs is as defined herein.

[a] Signs not conforming to restrictions specified in Table 1230B may be displayed with issuance of a Sign Permit, subject to the restrictions of Table 1230C. No Signs allowed without a Sign Permit shall be illuminated.

[b] Land use refers to the character of the use irrespective of the zoning district. See 1230.01(c) and Chapter 1360 use definitions. "Vacant" refers to undeveloped or cleared land and not to vacant buildings. For vacant developed properties the use shall be considered the least restricted use allowed by the zoning classification.

[c] Ground Sign Substitution:

At applicant's option, in lieu of the Ground Sign either of the following may be displayed:

1. Facade Sign or Awning or Canopy Sign area of no more than 150 percent of the maximum for a Ground Sign, or

2. Projecting Sign area of no more than 33 percent of the maximum for a Ground Sign.

This additional sign area may be added to a Facade, Awning, Canopy, or Projecting Sign otherwise allowed or may take the form of an additional sign.

[d] See Table 1230D for maximum sign area.

[e] Residential Entrance Signs

Single- and two-family Entrance Signs are allowed only at street entrances to developments, or to existing neighborhoods of 50 or more single- or two-family buildings. They are not permitted at entrances to individual home sites.

[f] Per street entrance to development or neighborhood, not per lot.

[g] Large Frontage Developments

Establishments or developments with frontage on a single street that exceeds 300 feet may have one additional Entrance Sign along that street per 300 feet or fraction thereof of additional frontage. The additional sign(s) shall conform to all the requirements applicable to the first sign. See Table 1230G for

required spacing between such signs that are ground signs.

[h] Drive-Through Signs shall be located in or face rear yards only.

[i] Lots or building sites having drive-through facilities only.

[j] Includes signs allowed without Permit under Table 1230B and signs requiring a Permit.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230D:  
Maximum Sign Area**

**Table 1230D: Maximum Sign Area**

Land Use, Sign Form, & Sign Type [a]	Allowable Sign Area in Sq. Ft.	Per Foot of	Up to a Maximum of:	
			Without Bonuses	With Bonuses [b]
<b><u>A. Ground Signs, permanent &amp; temporary</u></b>				
<b><u>1. Entrance Signs</u></b>				
a. Vacant and Agricultural	0.4	lot frontage [c]	32	96
b. Single- & 2-Family Residential	--	--	32	96
c. Multi-Family Residential, Institutional, Office, & Industrial	0.4	lot frontage [c]	32	96
d. Retail, Retail Office, & Personal Service [d]				
1. Freeway Signs [e]	--	--	300	300
2. Other Signs	0.5	lot frontage [c]	32	96

**2. Other Ground Signs:**

a. Vacant and Agricultural:



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1. Zoned Non-Residential	--	--	24	72
2. All Other	--	--	12	36
b. Single- & 2-Family Residential	--	--	--	--
c. Multi-Family Residential:				
1. Temporary Signs	--	--	12	36
2. Permanent Signs	--	--	8	24
d. Institutional, Office, Industrial, Retail, Retail Office, & Personal Service [d]:				
Permanent Signs	--	--	12	36
Temporary Signs	--	--	24	32.4

-----

**B. Facade, Awning, Canopy, & Projecting Signs [f], permanent and temporary [g]**

1. For Land Uses:

a. Single- and 2-Family Residential	--	--	2	--
b. Multi-Family Residential	--	--	8	14.8
c. All Other Uses:				
1. Facade Signs for Upper-Story Occupants [h]	--	--	8	14.8
2. Cumulative for All Signs	1	building frontage	--	--

2. For Sign Forms:

a. Awning and Canopy Signs (except Under Canopy Signs)	--	--	40 % [i]	40 % [i]
--	----	----	----------	----------

b. Under Canopy Signs and Projecting Signs	--	--	12	12
c. Window Signs	--	--	40 % [j]	40 % [j]

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230D: Maximum Sign Area / Notes for Table 1230D**

**Notes for Table 1230D**

Uses listed in first column refer to use types, not zoning districts.

Maximum sign area limits in this table may be increased under Table 1230I.

Maximum sign areas for signs exempt from Sign Permits are established in Table 1230B.

--: No restriction.

[a] Where allowed under Table 1230C.

[b] See Table 1230I. Figures exclude bonus for message board.

[c] Along the single abutting street, alley, internal circulation drive, or off-street parking area toward which the sign is principally oriented.

[d] And principal use off-street parking lots or structures.

[e] Freeway Signs are Ground Signs serving as additional Entrance Signs allowed under item D1 of Table 1230C for lots with freeway frontage.

[f] Of window surface area, cumulative for Permanent and Temporary Signs.

[g] Maximum sign area for a Temporary Sign shall be 150 percent of maximum area without bonuses allowed in the table for the same form of Permanent Sign.

[h] Allowed for second and third-story non-residential occupants only.

[i] Maximum for Awning and Canopy Signs is the specified percentage of area of face of awning, canopy, or bench panel on which sign is displayed. Maximum shall not apply to theatre marquees.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230E: Maximum Sign Height**

**Table 1230E: Maximum Sign Height**

Sign Form & Type	<u>Maximum Sign Height in Feet:</u>	
	<u>Without Bonuses</u>	<u>With Bonuses [a]</u>
<u>A. Permanent Facade Signs:</u>		
1. Wall Signs	20 [b]	--
2. Window Signs	--	--
<u>B. Permanent Projecting Signs</u>	20 [b]	--
<u>C. Ground Signs</u>		
<u>1. Permanent Entrance Signs:</u>		
a. Retail, Retail Office, & Personal Service Uses [c]	12 [d]	23.4 [d]
b. All Other Uses	8	15.6
<u>2. Other Ground Signs:</u>		
a. Permanent Signs	6	11.7
b. Temporary Signs	6 [e]	--
<u>D. Other Permanent Signs:</u>		
1. Awning & Canopy Signs	[f]	--
2. Under Canopy Signs	--	--
<u>E. Temporary Signs not listed above</u>	[g]	--

[a] See Table 1230I. Figures exclude bonus for message board.

[b] Or the highest point of the wall or parapet of the wall on which the sign is displayed (or highest point of the roof, for wall signs displayed on roofs) or the sill of the second floor window, whichever height is the lowest.

[c] And principal use off-street parking lots. --: No restriction

[d] Freeway Signs

Maximum height for Ground Sign serving as additional Entrance Sign allowed under Table 1230C for lots with freeway frontage shall be 35 feet above the mean average level of the freeway where it abuts the lot.

[e] A temporary Ground Sign with a greater sign height may be approved as a Conditional Use.

[f] Highest point of awning, canopy, or panel on which the sign is displayed.

[g] Temporary Signs

The Building Commissioner may specify a maximum height for a Temporary Sign for which no maximum is specified herein if he or she determines such height necessary to protect pedestrian or motor vehicle visibility or other aspects of public safety.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230F: Maximum Sign Projection**

**Table 1230F: Maximum Sign Projection**

Maximum Projection in Feet :

<u>Sign Form</u>	<u>Horizontal Projection From Building Wall:</u>		<u>Vertical Projection Below Canopy</u>	<u>Other Projection</u>
	<u>Over Street Right-of-Way</u>	<u>Other</u>		
Permanent Wall Signs	2	2	--	[a] [b]
Permanent Under Canopy Signs	--	--	1.5	[a]
Permanent Awning and Other Canopy Signs and Projecting Signs	4 [c]	--	--	[a] [b]

[a] Shall not project horizontally beyond wall or face of awning, canopy, or panel on or

beneath which it is displayed.

[b] Shall not project vertically above or below wall or face of awning, canopy, or panel on which it is displayed.

[c] Or 2/3 of width of the sidewalk beneath the sign, whichever is less.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230G: Minimum Sign Spacing**

**Table 1230G: Minimum Sign Spacing**

<u>Sign Form</u>	<u>Minimum Sign Spacing in Feet [a]</u>
Permanent Ground Signs:	
Over 75 Square feet [b]	200
All Other	--
Permanent Projecting Signs	15
Off-Premise Advertising Devices	[c]

[a] Where required spacing would deny a lot a sign of the specified sign form and size to which it is entitled under this chapter, minimum spacing shall be the greatest distance that conforms to other City regulations and that allows the sign, as determined by the Planning Director.

[b] Where allowed by Table 1230D and/or Table 1230I.

[c] As defined and regulated by the Ohio Department of Transportation.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230H: Time Limits for Temporary Signs**

**Table 1230H: Time Limits for Temporary Signs**

<u>Earliest Display</u>	<u>Maximum Period of Display [a]:</u>	<u>Minimum Interval Between</u>
	Cumulative Per	

:"American Legal Publishing Corporation"

**Barberton Development Code**

	<u>Allowed</u>	<u>At One Time</u>	<u>Calendar Year</u>	<u>Display Periods</u>
Temporary Signs Allowed Without Sign Permit (See Table 1230B):				
A. Single Sign	--	90 days	90 days	--
B. All Additional Signs	--	30 days	30 days	--
Temporary Signs With Sign Permit:	[b]	[b]	90 days	30 days

[a] Maximum periods apply separately to each sign allowed by Table 1230B. The Building Commissioner may issue a Sign Permit with a time limit of less than the maximum allowable period if he or she determines such limit is appropriate to minimize adverse impacts on the environment of the sign.

[b] As determined by the Building Commissioner and specified in the Sign Permit. Sign shall be removed within 10 days of Permit expiration. A sign not conforming to the provisions of this table, such as many real estate signs, may be allowed as a permanent sign under Table 1230B or 1230C.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230I: Sign Bonuses**

**Table 1230I: Sign Bonuses**

Bonus for Action Taken:

<u>Number</u>	<u>Action Taken</u>	<u>Bonus in Sign Area</u>	<u>Bonus in Sign Height [a]</u>
<b><u>A. FOR GROUND SIGNS ONLY:</u></b>			
1	<b><u>Low Ground Sign:</u></b> [b]  Height of permanent Ground Sign is limited to 60 % or less of maximum height allowed	25 % of maximum sign area allowed	---
2	<b><u>Landscaping:</u></b>  Landscaped area is provided at base of permanent Ground Sign that is no less than 3	25 % of maximum sign area allowed	15 % of maximum height allowed

times the sign area and is approved by Planning Director

3 **Pole Cover**

Decorative cover encloses pole(s) or other support of a Ground Sign	15 % of maximum sign area allowed	15 % of maximum height allowed
---	-----------------------------------	--------------------------------

4 **Other Embellishments**

Sign embellishments, as defined herein, other than pole covers, are provided	50 % of maximum sign area allowed	15 % of maximum height allowed
--	-----------------------------------	--------------------------------

**B. FOR ALL SIGNS:**

4 **Message Board:** [c]

Inclusion of a message board in any permanent sign	100 % of area of message board provided	100 % of height of message board provided
--	---	---

5 **Maintenance:**

Premises of sign has been issued Maintenance Certificate every year from effective date of this chapter	15 % of maximum sign area allowed	15 % of maximum height allowed
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6 **Design:**

A. Design of permanent sign is prepared by professional graphic artist and is approved by Planning Director [d] as largely consistent with Table 1230K [e]	10 % of maximum sign area allowed	10 % of maximum height allowed
--	-----------------------------------	--------------------------------

B. Sign is custom-designed for facility at which it is displayed	15 % of maximum sign area allowed	10 % of maximum height allowed
--	-----------------------------------	--------------------------------

7 **External Illumination**

Sign has external illumination only or no illumination [f]	20 % of maximum sign area allowed	---
--	-----------------------------------	-----

8 **Individual Letters**

Sign consists of individual characters without internal illumination mounted directly on an unpainted brick, stone, or stained wood surface	25 % of maximum sign area allowed	15 % of maximum height allowed
---	-----------------------------------	--------------------------------

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230I:  
Sign Bonuses / Notes for Table 1230I**

**Notes for Table 1230I**

Bonuses may not be used for:

1. signs 75 square feet or more in sign area without bonuses, or
2. signs not requiring a Sign Permit
3. signs for individual single- or two-family residences.

Bonuses are added to maximums otherwise allowed.

All computations shall be based on the sign area or sign height allowed before any bonuses have been applied.

[a] Height bonuses apply to Ground Signs only.

[b] See also 1240.02(e)(8), Vision Clearance Triangle, which may prohibit certain low signs near intersections and driveways.

[c] Under 1230.05(a)(2) message boards and other changeable copy areas shall be no more than 50 percent of the sign area of a permanent sign.

Message Board Bonus may be used on only one sign per establishment.

Under Section 1230.05(c)(2), no temporary Ground Sign or any Temporary Sign with a changeable copy area is permitted for uses having changeable copy areas included in permanent signs.

[d] The Planning Director may at his or her discretion refer such approval to a City design review body.

[e] Design Bonus is not available to signs consisting of periodically changed bills or posters. Full conformance to all Table 1230K design guide-lines is not required so long as substantial conformance is achieved.

[f] Bonus applies only to signs for which internal illumination is otherwise permitted under 1230.04(c).

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230J:  
Required Contents of Sign Permit Application for Permanent Signs**



## **Table 1230J: Required Contents of Sign Permit Application for Permanent Signs**

1. Name, address, and phone number of applicant.
2. If a Temporary Sign, the proposed beginning and ending dates of its display.
3. If an electric sign, the Underwriters Laboratories number.
4. Location of property on which sign is to be displayed.
5. Sign Permit fee.
6. A refundable deposit or financial guarantee, as provided in division 1230.05(c)(4) or 1230.07(a)(5).
7. A description of the use or proposed use of the property to which the sign is to be accessory.
8. The name, address, and telephone number of the party that is to produce and erect the sign.
9. A plat of survey or site plan showing the position of the sign in relation to nearby structures, rights-of-way, and street grade; and locations and sign areas of all existing signs and other proposed signs on the same premises.
10. Plans and specifications showing:
  - A. all dimensions of the sign
  - B. proposed sign area, sign height, and other quantitative standards established in this chapter as such terms are defined herein, together with the measurements and calculations used to derive the figures claimed
  - C. methods of construction and support
  - D. illumination type, intensity, & placement
  - E. all electrical components.
11. An elevation drawing showing all exposed sign surfaces and all messages or representations thereupon, accurately depicted as to shape, size, color, and proportion, and, for signs attached to exterior building surfaces or projections, the placement of the sign in relation to roof lines, windows, doors, wall corners, and other architectural features.
12. An affidavit of the party to erect the sign that the sign conforms to all engineering requirements for

safety in City codes.

13. A written statement of the owner or occupant of the property, if different from the applicant, granting permission to display the sign.

14. Complete computations for all Table 1230I bonuses claimed accompanied by documentation that the sign qualifies for each bonus.

15. Any other information the Building Commissioner requires to determine whether the application conforms to the requirements of City codes.

Note: These requirements do not apply to signs exempt from Permit requirement under 1230.02(b) nor to unregulated signs under 1230.02(a).

The Building Commissioner may waive items required herein under 1230.07(a)(2).

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230K: Design Guidelines for Signs**

**Table 1230K: Design Guidelines for Signs**

(The standards in this table are advisory only.)

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230K: Design Guidelines for Signs / 1. Shape**

**1. Shape**

A single simple, common geometric form such as rectangle, square, circle, or oval is often preferable to a more elaborate shape or combination of shapes.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230K: Design Guidelines for Signs / 2. Color**

**2. Color**

Colors used should provide sufficient contrast between the message and the background of the sign to assure readability.

Use of no more than 4 colors (including black and white and the background color of the sign) is

preferable.

Use of bright colors as accents is preferred to their use as dominant colors. Dark, subdued hues are preferred to de-emphasize visible support structures like pylons or projecting sign hangers, especially if such structures are not ornamental.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230K:  
Design Guidelines for Signs / 3. Materials**

**3. Materials**

The simple, classic beauty of traditional natural materials like wood, stone, or brick is often preferable if such materials are largely unpainted (but rated for exterior exposure) so that their natural beauty is exposed.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230K:  
Design Guidelines for Signs / 4. Lettering Size**

**4. Lettering Size**

Lettering on signs intended to be read from the street should be no larger than required for readability from the street, taking into account the prevalence of vehicular or pedestrian traffic, traffic speeds, and setback of the sign. In most cases, letter heights exceeding 1.5 feet should not be needed for legibility.

On signs intended to be read by motorists in the street, lettering too small to be safely readable at prevailing traffic speeds should be avoided.

Use of no more than two sizes of lettering, excluding lettering on changeable copy areas, is preferred.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230K:  
Design Guidelines for Signs / 5. Fonts (Type Faces or Styles)**

**5. Fonts (Type Faces or Styles)**

Use of no more than two type fonts on a sign is preferred.

The number of fonts used for tenant wall signs in multi-tenant properties like shopping centers should not be excessive, and such signs should share a common base line. Use of simpler fonts or highly legible versions of stylized fonts is preferable for readability. For longer words and messages, upper and lower-case letters are more readable than all upper-case.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230K:  
Design Guidelines for Signs / 6. Message**

**6. Message**

Since motorists have only seconds to absorb and react to a sign's message, the number of words and symbols should be kept to a minimum on signs designed to be read by motorists in the street. Symbols can sometimes be used as substitutes for words. The sign should not appear "busy," cluttered, or crowded.

Signs intended to be read primarily by pedestrians or motorists in stopped or slowly-moving vehicles may have more extensive messages.

The sign should be oriented around a single dominant symbol, word, or unified combination of symbols and/or words, with all other elements clearly subordinate.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230K:  
Design Guidelines for Signs / 7. Blank Space**

**7. Blank Space**

The sign should contain sufficient blank space around the copy for legibility.

**Title 3 : Land Planning and Improvements / Chapter 1230 Sign Regulations / Table 1230K:  
Design Guidelines for Signs / 8. Supports**

**8. Supports**

Poles or other bases for Ground Signs should be part of the overall sign design. They should be ornamental in nature to complement the sign face and of a material (such as brick, stone, wood, or ironwork) or color and of proportions that enhance the sign face.

Supporting structures for Projecting Signs should be ornamental.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements  
Standards**

**Chapter 1240**

## **Other Planning and Improvements Standards**

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### **Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.01 General Regulations**

#### **1240.01 General Regulations**

### **Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.01 General Regulations / (a) Types of Development Affected**

#### **(a) Types of Development Affected**

The provisions of this chapter shall apply to the following actions undertaken on or after the date of effect of this chapter:

- (1) all applications for subdivision approval within the City of Barberton, and
- (2) all applications for Site Plan Review approval of site condominiums and site cooperatives, as defined herein, within the City, and
- (3) all applications for Site Plan Review approval of Planned Unit Developments within the City, except to the degree that relief is granted as part of the PUD approval, and
- (4) construction of a new or replacement building on an existing lot within the City as provided in division 1240.09(a)1B.

### **Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.01 General Regulations / (b) Mandatory and Advisory Standards**

#### **(b) Mandatory and Advisory Standards**

Standards defined with the word "shall" represent mandatory provisions. Standards defined with the words "should," "suggested," or "recommended" are advisory guidelines for use in plat and plan approval as the Planning Commission deems applicable. Those defined with the word "may" are permissive.

Where a standard is not clearly defined as either mandatory, advisory, or permissive, it shall be construed as mandatory.

For convenience, advisory guidelines are italicized.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.01 General Regulations / (c) Party Responsible for Compliance**

**(c) Party Responsible for Compliance**

As used herein, the "developer" shall be the subdivider of a subdivision, the developer of a site con-dominium or site cooperative, or the owner of a lot on which a new or replacement building is to be established under division 1240.09(a)1B. The developer shall be responsible for compliance with the provisions of this chapter.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.01 General Regulations / (d) Exceptions**

**(d) Exceptions**

Exceptions to the provisions of a mandatory provision shall be granted only by means of a Variance, Planned Unit Development approval, Amendment, or similar action authorized by Chapter 1310.

Exceptions to advisory guidelines may be approved as part of subdivision approval or Site Plan Review without any special procedure.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.01 General Regulations / (e) Guarantees**

**(e) Guarantees**

The improvements required by this chapter shall be guaranteed as provided in division 1350.02 if they are not completely installed and accepted:

- (1) for a new subdivision, prior to approval of a Final Plat
- (2) for a Planned Unit Development, prior to approval of a Final Plan
- (3) for a site condominium or site cooperative, prior to approval of a Final Site Plan
- (4) for improvements within existing subdivisions, site condominiums, or site cooperatives, prior to issuance of a Certificate of Occupancy.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements**

**Standards / 1240.01 General Regulations / (f) Application to All Improvements**

**(f) Application to All Improvements**

Mandatory planning and improvement standards of this chapter shall apply to streets, sidewalks, utility lines, and other facilities and areas that are voluntarily installed or established as well as to those that are mandated.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.01 General Regulations / (g) Construction Details**

**(g) Construction Details**

Construction details not specified herein shall be as provided in other City ordinances or else as provided in standards approved by the City Engineer.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys**

**1240.02 Streets and Alleys**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets**

**(a) Provisions Applicable to All Streets**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (1)**

**Conformity to Official Map**

***(1) Conformity to Official Map***

The street system in a development shall conform to the provisions of the Official Map and Comprehensive Plan of the City.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (2) Street Extensions**

*(2) Street Extensions*

**A. Extension of New Streets**

New streets shall extend to the boundary lines of the development or phase thereof being developed to facilitate continuity with future adjacent developments, except where such extension is undesirable due to topography, transition to a different land use, use of culs-de-sac, or where the Planning Commission otherwise finds extension to be impractical or unnecessary.

**B. Extension of Existing Streets**

Developments shall provide for the continuation of existing streets that temporarily terminate at or near their boundaries. Such extensions shall conform to all applicable requirements of this chapter even when the existing street does not.

Notwithstanding the provisions of Table 1240B, no new street that is a continuation of an existing street shall have a lesser right-of-way width than the existing street.

Subject to Table 1240A, a new street may have a narrower pavement width than an existing street of which it is a continuation. It shall in such case provide a tapered transition approved by the City Engineer.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (3) Stub Streets**

*(3) Stub Streets*

**A. Reservation Strip**

A 2-foot reservation strip shall be provided in the name of the City of Barberton at the end of all stub streets.

**B. Temporary Turn-Arounds**

A street stub over 200 feet in length shall be provided with a fully graveled temporary turn-around on a right-of-way or easement at the stub end unless there are no developed lots or developed building sites along the stub.

When the street is extended and the stub is removed, the developer shall make provision for the reversion to abutting properties of the turn-around right-of-way or easement not required for the extension. When extending the stub street, the developer shall remove any temporary turn-around and regrade and reseed the right-of-way as necessary to conform to the requirements of



this chapter for a right-of-way for a continuous street.

A temporary turn-around on a Minor Street shall conform to the dimensions required herein of a permanent cul-de-sac. If the Planning Commission determines that extension of a stub on a Minor Street is unlikely within 2 years of the date of approval of the Preliminary Plat, Plan, or Site Plan, it may require a financial guarantee for the conversion of the turn-around into a permanent cul-de-sac.

**C. Sign Identification**

Entries to stub streets over 200 feet in length shall be identified with signage indicating the street is not a through street.

**D. Stubs on Minor and Collector Streets**

Stubs on minor and collector streets shall conform to divisions 1240.02(c)(6) and 1240.02(d)(6).

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (4) Street Classification**

*(4) Street Classification*

A Site Plan or subdivision plat shall show the proposed classification of all streets in the development as marginal access or frontage roads, minor streets, secondary collector streets, primary collector streets, secondary arterial streets, primary arterial streets, or freeways.

Classifications shall be based on the Comprehensive Plan and on expected traffic volumes on each street.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (5) Street Naming**

*(5) Street Naming*

Names of new streets shall not duplicate or be similar in spelling or pronunciation to names of existing streets in the service area of the Barberton Post Office that they are not extensions of irrespective of designations as "street," "avenue," "road," and the like.

Street names shall be submitted to the Postmaster and the 911 Coordinator of the Barberton Police Department for review before being approved by the City.

A new street that is an extension of an existing street shall be given the name thereof.

*A change in the direction of a street by more than 45 degrees measured from the center line should be accompanied by a change in street name unless the original alignment is resumed within a distance of 500 feet.*

*The final word of a street name should conform to the designation system specified below.*

<i>Predominant Direction</i>	<i>Streets Over 1,000 Feet Long</i>	<i>Shorter Streets</i>
<i><u>Straight Streets:</u></i>		
<i>North-South</i>	<i>"Street"</i>	<i>"Court"</i>
<i>East-West</i>	<i>"Avenue"</i>	<i>"Place"</i>
<i>Diagonal</i>	<i>"Road"</i>	<i>"Way"</i>
<i><u>Curving Streets</u></i>	<i>"Drive"</i>	<i>"Lane" or "Circle"</i>

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (6) Non-Residential Streets Near Railroads and Freeways**

***(6) Non-Residential Streets Near Railroads and Freeways***

To improve utilization of the investment in streets, reduce land devoted to them, create usable lots or building sites, and allow for possible future grade separation, non-freeway streets in non-residential areas running parallel or approximately parallel to railroads, freeways, or similar obstacles shall be separated therefrom by lots no less than 150 feet deep.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (7) Street Grades**

***(7) Street Grades***

*Whenever practicable, street grades should avoid the necessity for excessive cuts and fills or undue removal of ground cover and tree growth and steep grades on driveways and front yards.*

*Combinations of steep grades and curves in streets should be avoided.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (8) Vertical Curves (Changes in Grade)**

***(8) Vertical Curves (Changes in Grade)***

All changes in street grade of over 1 percent shall be connected by vertical curves of a length in feet not less than:

A. 20 times the algebraic difference between the rates of grade in feet per hundred, for arterial streets

B. 15 times this difference, for all other streets.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (9) Vertical Visibility**

***(9) Vertical Visibility***

Vertical visibility shall conform to the regulations of the Ohio Department of Transportation in effect on the date of approval of a Preliminary Plat, Preliminary PUD Plan, or Site Plan.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (10) Horizontal Curves**

***(10) Horizontal Curves***

Deflection of a continuous street center line by more than 10 degrees shall require a circular horizontal curve with a center line radius of curvature not less than provided for horizontal curves in Table 1240C.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (11) Horizontal Visibility**

***(11) Horizontal Visibility***

Grading and obstacle removal shall assure that minimum horizontal visibility at a height of 3 feet above finished street pavement at the center line shall be the following distances measured along center

lines:

Minor Streets:	300 feet
Collector Streets:	500 feet
Arterial Streets:	800 feet.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (12)**

**Tangents Between Reverse Curves**

*(12) Tangents Between Reverse Curves*

On arterial and collector streets, there shall be projected between reverse curves a tangent no less than:

- A. 300 feet for primary arterial streets
- B. 100 feet for secondary arterials and primary collectors
- C. 50 feet for all other streets.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (13) Half Streets**

*(13) Half Streets*

Except where approved by the Planning Commission, half streets shall not be platted or dedicated except to complete an existing half street. A developer shall, however, dedicate the other half of a dedicated or platted half street that is adjacent to his or her development.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (14) Private Streets**

*(14) Private Streets*

Rights-of-way for all streets and alleys shall be dedicated to the public except where the Planning Commission determines private streets or alleys to be desirable.

Private streets and alleys shall conform to all regulations herein applicable to public streets.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (15) Street Maintenance Prior to Acceptance**

*(15) Street Maintenance Prior to Acceptance*

The developer shall maintain a street segment not yet conveyed to a public agency or homeowners association in passable condition once any premises along such segment become occupied.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (16) Developments Along Substandard Streets**

*(16) Developments Along Substandard Streets*

A development or portion thereof abutting one or both sides of an existing street that does not conform to the regulations of this chapter for right-of-way and pavement width shall along its frontage on that side of the street:

A. dedicate land to bring the right-of-way width into conformity with that required for that side of the street, and

B. construct additional pavement width and new curb and gutter to bring pavement width into conformity with that required for that side of the street, and

C. install storm drainage systems as required herein on that side of the street.

The Planning Commission may waive any one or more of these requirements for developments with less than 300 feet of frontage on the applicable side of the substandard street if it determines that adjacent segments of the street are unlikely to be made conforming to such standard.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (17) Street and Alley Vacations**

*(17) Street and Alley Vacations*

Vacations of streets and alleys shall be approved as provided in Table 1320A.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (18)**

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**Improvement Standards**

*(18) Improvement Standards*

Streets and alleys shall be constructed to the improvement standards of division 1240.09(d).

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (19) Sidewalks**

*(19) Sidewalks*

Sidewalks shall conform to the requirements of division 1240.09(e).

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (a) Provisions Applicable to All Streets / (20) Reservation and Dedication**

*(20) Reservation and Dedication*

Streets and alleys shall be reserved and dedicated as provided in Section 1240.04.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (b) Arterial Streets and Freeways**

**(b) Arterial Streets and Freeways**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (b) Arterial Streets and Freeways / (1) Continuity**

*(1) Continuity*

*Arterial streets should be continuous over long distances with no jogs, stubs, or T intersections with other arterials.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (b) Arterial Streets and Freeways / (2) Design**

*(2) Design*

*Arterial streets should have straight alignments designed to move large volumes of traffic at high speeds.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (b) Arterial Streets and Freeways / (3) Parking**  
**(3) Parking**

*No on-street parking should normally be allowed on arterial streets. On-street parking on major streets represents the most costly location for parking, reduces the capacity of the street, diminishes visibility for cars entering the arterial, and causes accidents.*

*On-street parking may be allowed as an interim measure until adequate off-street parking can be provided. It may also be allowed during non-peak hours if the arterial's maximum capacity is not needed then.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (b) Arterial Streets and Freeways / (4) Other Standards**  
**(4) Other Standards**

Arterial streets and freeways shall conform to the provisions of Tables 1240A, 1240B, and 1240C.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (c) Collector Streets**

**(c) Collector Streets**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (c) Collector Streets / (1) Provision in New Developments**

**(1) Provision in New Developments**

New developments shall provide access from minor streets to arterial streets by incorporating new, or extensions of existing, collector streets unless the development abuts an existing collector or the Planning Commission otherwise determines that a collector street is not needed for proper traffic flow.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (c) Collector Streets / (2) Continuity**  
**(2) Continuity**

*Collector streets should be continuous between minor streets and arterials.*

*They should not offer straight, continuous pas-sage from one arterial to another and so encourage traffic to use collectors as bypasses.*

*Collectors on opposite sides of an arterial should not be continuous across the arterial so as to encourage through traffic.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (c) Collector Streets / (3) Design**

***(3) Design***

*Particularly in residential areas, collectors should be designed as loops or with circuitous alignments or with other features to discourage their use as arterial bypasses.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (c) Collector Streets / (4) Single-Family Driveway Access**

***(4) Single-Family Driveway Access***

*Single- and two-family dwellings in new developments should avoid having driveways onto collector streets.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (c) Collector Streets / (5) Parking**

***(5) Parking***

*On-street parking may be permitted but should be avoided where possible on collector streets.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (c) Collector Streets / (6) Stubs**

***(6) Stubs***

*Stubs should be provided for collector streets in new developments adjacent to undeveloped land planned for a similar land use so that collectors may be continuous through multiple developments.*

*Where there is a danger of traffic from businesses using residential collectors, stubs*



*should not be provided and collectors should be complete within the development.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (c) Collector Streets / (7) Serve Activity Centers**  
***(7) Serve Activity Centers***

*Collector streets in residential areas should be routed to serve activity centers such as schools, churches, and shopping areas.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (c) Collector Streets / (8) Other Standards**  
***(8) Other Standards***

Collector streets shall conform to the provisions of Tables 1240A, 1240B, and 1240C.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (d) Minor Streets and Alleys**

***(d) Minor Streets and Alleys***

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (d) Minor Streets and Alleys / (1) Continuity**  
***(1) Continuity***

*Minor streets should not be continuous for extended distances and should be designed to carry traffic from a limited number of lots or building sites to a collector street.*

*To discourage through traffic and speeds over 25 to 30 mph, minor streets should intersect frequently with collector and other minor streets, particularly in residential areas.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (d) Minor Streets and Alleys / (2) Design**  
***(2) Design***

*Minor streets should be designed solely to provide access to the properties they abut and should not be attractive for use in place of collectors or arterials for high-speed, non-local through traffic. Designs such as narrow pavement widths, curved alignments, loop streets, T intersections, eyebrows, and culs-de-sac should be used to this end.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (d) Minor Streets and Alleys / (3) Parking**

***(3) Parking***

Minor Streets may provide on-street parking. In low-density residential areas or other areas that will not normally require much or any on-street parking, one or both parking lanes may be eliminated.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (d) Minor Streets and Alleys / (4) Spacing**

***(4) Spacing***

*Spacing of minor streets should be guided by the standards for street jogs in division 1240.02(e)(7) and maximum block length in Table 1240F.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (d) Minor Streets and Alleys / (5) Width**

***(5) Width***

*Minor streets should be no wider than required for reasonable convenience and safety for low volumes of slow-moving traffic and for any parking not provided off-street. Especially in residential areas, they should be narrow enough to discourage high traffic speeds.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (d) Minor Streets and Alleys / (6) Stubs**

***(6) Stubs***

*Because they constrain the design of abutting tracts and may remain as stubs permanently, no stubs of minor streets should be planned in any development except one that is a phase of a larger development for which a Preliminary Plat or Site Plan has been approved.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (d) Minor Streets and Alleys / (7) Depth of Loop Streets**

***(7) Depth of Loop Streets***

*To avoid backtracking movements, loop streets should not be deeper than 700 feet.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (d) Minor Streets and Alleys / (8) Alleys**

***(8) Alleys***

Alleys may be provided in both residential and non-residential developments.

No alley shall dead-end unless provided with a turn-around approved by the City Engineer.

No alley shall connect directly to an arterial street.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (d) Minor Streets and Alleys / (9) Cul-de-Sac Streets**

***(9) Cul-de-Sac Streets***

Special regulations for cul-de-sac streets shall be as provided in Table 1240D.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (d) Minor Streets and Alleys / (10) Traffic in Residential Areas**

***(10) Traffic in Residential Areas***

*The design of minor streets serving extensive areas of multi-family residential or non-residential development should not encourage traffic generated by this development to use minor streets in single- and two-family areas.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (d) Minor Streets and Alleys / (11) Other Standards**

***(11) Other Standards***

Minor streets and alleys shall conform to the standards of Tables 1240A, 1240B, 1240C, and 1240D.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (e) Intersections**

***(e) Intersections***

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements**

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**Standards / 1240.02 Streets and Alleys / (e) Intersections / (1) Multi-Leg Intersections**

***(1) Multi-Leg Intersections***

*Intersections with more than four legs--such as can be created by diagonal streets--should be avoided, especially on arterial streets.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (e) Intersections / (2) Angle of Intersection**

***(2) Angle of Intersection***

*Intersections should be at right angles or as close as possible thereto.*

Streets shall not intersect at angles of less than 70 degrees or more than 110 degrees.

Streets shall remain in the angle of intersection for at least 100 feet beyond the point of inter-section of street pavements.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (e) Intersections / (3) Classification of Intersecting Streets**

***(3) Classification of Intersecting Streets***

*To enhance safety and facilitate traffic movement, arterials should be intersected only by freeways, other arterials, collectors, and frontage or marginal access roads. Minor streets other than frontage and marginal access roads should intersect only other minor streets and collectors.*

*Culs-de-sac should not intersect other culs-de-sac but should intersect only relatively continuous minor or collector streets.*

Alleys shall not intersect arterial streets.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (e) Intersections / (4) T Intersections**

***(4) T Intersections***

*Three-way or T intersections between two minor streets and between minor streets and collectors should be used when possible in lieu of cross or four-way intersections because of their greater efficiency and safety.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements**

**Standards / 1240.02 Streets and Alleys / (e) Intersections / (5) Spacing**

***(5) Spacing***

*Distance between intersections on arterial streets should not be less than 1,000 feet.*

*To avoid conflicts and allow for future grade separation, intersections on all streets should where possible be at least 150 feet from an at-grade intersection with a railroad.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (e) Intersections / (6) Intersection Right-of-Way Lines**

***(6) Intersection Right-of-Way Lines***

Street right-of-way lines at intersections shall be:

A. rounded with a minimum radius as follows:

Alleys: 20 feet

Culs-de-Sac 25 feet

Other Minor Streets : 25 feet

Collector Streets: 25 feet

Arterial Streets: 30 feet

B. cut off by a straight line through the points of tangency of an arc with such a radius.

Where streets of different classifications inter-sect, the larger of the specified radii shall be used.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (e) Intersections / (7) Jogs at Intersections**

***(7) Jogs at Intersections***

**A. Minor and Collector Streets**

To avoid hazardous traffic movements, the center lines of two minor or collector streets intersecting oppo-site sides of a third street that is an arterial or collector street shall be:

1. aligned with each other, or
2. separated by no less than 125 feet between center lines.

**B. Exception**

The requirements of division (7)A shall not apply to intersections on a divided thoroughfare if there are no median breaks at either intersection.

**C. Arterial Streets**

The center lines of two arterial streets intersecting opposite sides of a third street of any classification within 1,000 feet of each other shall be aligned with each other.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (e) Intersections / (8) Vision Clearance Triangle  
(8) Vision Clearance Triangle**

**A. Definition**

The Vision Clearance Triangle is the triangular area formed by:

1. the right-of-way lines of streets and/or railroads and/or boundaries of internal access driveways between:

a. their at-grade intersection, and

**Please Note: To view the Vision Clearance Triangle Graphic, see page 1240-9 of the printed version of the Barberton Development Code**

b. two points at the distances specified in the table below from such intersection along each such line, and

2. a straight line connecting these two points.

Intersection <u>Between</u>	Distance <u>in Feet</u>
Street & street	20
Street & railroad	20
Street & alley	10

Street & driveway:

Single- and two-family driveways	5
All other driveways	10
Driveway & internal access drive	10

**B. Regulations**

Within this Triangle, there shall be permitted:

that:

1. no fence, hedge, wall, screening, low free-standing sign, or other solid obstruction

a. has a fence height, as defined herein, of over 4.5 feet, or

b. has an opacity, as defined herein, of over 25 percent above a fence height level of 2.5 feet, and

2. no overhanging object, such as a tree branch or pole sign or projecting sign, with a clearance of less than 8 feet above the level of the surface of the street, drive, or railroad where the center lines intersect.

Height and clearance shall be as measured from the street curb or, where no curb exists, from the pavement edge closest to the obstruction.

These restrictions take precedence over any other requirements of this Code with which they may conflict.

**Please Note: To view the Obstructions in Vision Clearance Triangle Graphic, see page 1240-9 of the printed version of the Barberton Development Code**

**C. Exceptions**

The following obstructions shall be exempt from these provisions:

1. trunks of trees existing on the effective date of this provision

2. utility poles

3. poles, pylons, and support structures, such as for signs, and similar structures not

exceeding a cumulative 1 foot in width or diameter for each structure

4. Permitted Public Uses, as defined in Group 3 of Table 1130G
5. all obstructions in the C-D Downtown Commercial District.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (e) Intersections / (9) Grade at Intersections**  
*(9) Grade at Intersections*

Street grades close to intersections shall be as provided in note [b] of Table 1240C.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (e) Intersections / (10) Ramps**  
*(10) Ramps*

Ramps for wheelchairs and other vehicles shall be installed at intersections as provided in division 1240.09(e)(8).

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (f) Curb Cuts and Driveways**  
**(f) Curb Cuts and Driveways**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (f) Curb Cuts and Driveways / (1) Standards**  
*(1) Standards*

Driveways shall conform to the standards of Table 1240E.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (f) Curb Cuts and Driveways / (2) Abandoned Driveways**  
*(2) Abandoned Driveways*

The owner of a lot or building site abutting a curb cut that is no longer in use shall restore the area bounded by the edges of the curb cut, the edge of the street pavement (excluding curb and gutter), and the property line to a condition conforming to Section 1240.09 and other current City standards for



curbs, sidewalks, and tree lawns.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (f) Curb Cuts and Driveways / (3) Downtown Driveways**

***(3) Downtown Driveways***

To control hazards and inconveniences to pedestrian circulation, in the CD Downtown Commercial District driveways across public sidewalks shall be a Conditional Use.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (f) Curb Cuts and Driveways / (4) Driveways for Single-Family Uses on Arterials**

***(4) Driveways for Single-Family Uses on Arterials***

**A. Arterial Drives Prohibited**

To avoid hazardous backing movements onto arterial streets and to minimize the number of curb cuts, homes in new single- and two-family developments shall not have driveways onto such streets but only onto:

1. arterial frontage roads, or
2. collector or, preferably, minor streets within the development, or
3. alleys along rear lot lines.

A plat containing single- or two-family lots or building sites that abut an arterial street shall contain plat language prohibiting motor vehicle access thereto from such lot or building sites.

Screening shall be provided conform-ing to Chapter 1220 along the lot or building site line abutting the arterial. Such lots or sites shall have permanent access from an existing or planned non-arterial street intersecting or running more or less parallel to the arterial.

**B. Exceptions**

The Planning Director may grant an exception to the requirements of division (f)(4)A for:

1. lots or building sites with a mini-mum width of 100 feet and no more than one curb cut each, or

2. lots within a largely developed block where many other lots have direct access to the arterial.

**Please Note: To view the Single-Family Residential Along Arterial Streets Graphic, see page 1240-11 of the printed version of the Barberton Development Code**

**C. Other Standards**

Single- and two-family driveways shall conform to applicable standards of Table 1240E.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (f) Curb Cuts and Driveways / (5) Driveways for Other Uses on Arterials**

*(5) Driveways for Other Uses on Arterials*

Driveways onto an arterial street of residential and non-residential uses other than single- and two-family residential shall conform to the requirements of Table 1240E.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.02 Streets and Alleys / (f) Curb Cuts and Driveways / (6) Exceptions**

*(6) Exceptions*

The Planning Commission may approve a Special Exception to the provisions of divisions (f)(4) and (f)(5) where:

A. left turns in and out of driveways are controlled by driveway channelization or highway medians, or

B. other measures reduce the harmful impact of closely-spaced curb cuts on traffic movement and safety, or

C. conformity to any of these provisions would deny all reasonable vehicular access to the lot or building site, in which case the number and location of driveways allowed shall be such as come closest to conformity with these provisions while still allowing such access.

Separation of a driveway from a street intersection shall in no case be less than 15 feet on the

near side, as defined herein, and 5 feet on the far side, as also defined herein.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / Table 1240A: Minimum Street and Alley Pavement Width Standards**

**Table 1240A: Minimum Street and Alley Pavement Width Standards**

<u>Pavement Classification</u>	<u>Driving Lanes</u>		<u>Parking Lanes</u>		
	<u>Number</u>	<u>Width</u>	<u>Number</u>	<u>Width</u>	<u>Width[a]</u>
<u>1. Alleys:</u>	1	14	0	--	14
<u>2. Marginal Access Roads, Frontage Roads[b]</u>	2	11 [c]	0	--	22
<u>3. Culs-de-Sac &amp; Minor Streets Under 1,000 feet long</u>	2	11 [c]	0	--	22
<u>4. Other Minor Streets:</u>					
A. Parking on Both Sides	2	10	2	8	36
B. Parking on One Side	2	10	1	8	28
C. Off-Street Parking Only [d]	2	11	0	--	22
<u>5. Secondary Collector Streets:</u>					
A. Parking on Both Sides	2	11	2	8	38
B. Parking on One Side	2	11	1	8	30
C. Off-Street Parking Only [d]	2	11	0	--	22
<u>6. Primary Collectors/Secondary Arterials</u>	2	12	2	10	44
<u>7. Primary Arterials</u>	2	12	2	12 [e]	48 [f]
	4	12	2	12 [e]	92 [g]
<u>8. Freeways</u>	[h]	[h]	[h]	[h]	[h]
<u>9. Streets with Medians</u>	[i]	[i]	[i]	[i]	[i]

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements**

**Standards / Table 1240A: Minimum Street and Alley Pavement Width Standards / Notes for Table 1240A**

**Notes for Table 1240A**

Except as specifically provided otherwise, all standards in this table are mandatory.

For pedestrian ways, see Table 1240I.

[a] Pavement width is sum of widths of driving and parking lanes in columns to the left. It includes curbs and gutters.

[b] A planting strip no less than 20 feet wide and landscaped as approved by the Planning Director shall be provided between the pavement of a frontage road and that of the adjacent road.

[c] May be reduced to 10 feet adjacent to a parking lane.

[d] These standards shall be used only if the Planning Commission determines that needs for occupant and visitor parking can be completely met with off-street spaces.

[e] Parking lanes to be used for temporary parking for vehicular breakdowns. On-street parking should not be permitted on these streets except possibly during off-peak hours, where volumes during those hours permit. The greater width of parking lanes on primary arterial streets is based on their part-time use for, and ultimate full-time conversion to, driving lanes.

[f] To allow suitable intersection design, shall be increased by dedication or as a street easement in the amount of 10 feet above this standard on each side within 150 feet of the intersection with another primary arterial.

[g] Includes a 20-foot-wide median.

[h] Standards for freeways should be based on detailed engineering studies.

[i] A street with a median shall conform to the same standards as the street in this table representing its functional classification with the addition of a landscaped median 12 feet or 40 feet in width.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / Table 1240B: Minimum Street & Alley Right-Of-Way Width Standards**

**Table 1240B: Minimum Street & Alley Right-Of-Way Width**

# Standards

## Right-of-Way

Lowest	Pave- ment[a]	Tree Lawn[b]	Side walk[c]	Second Side walk	Utili- ties ROW[d]	Frontage Road: Pave- ment[a]	Planting Strip	Width: Highest Total
<u>Total[e]</u>								
<u>1. Alleys:</u> 12	12	--	--	--	--	--	--	12
<u>2. Marginal Access &amp; Frontage Roads [i]</u> 22	22	--	--	--	--	--	--	22
<u>3. Culs-de-Sac &amp; Minor Streets Under 1,000 feet long</u> 48	22	5 x 2	0/3/4/5	0/3/4/5	5 x 2	--	--	52
<u>4. Other Minor Streets:</u>								
A. Parking on Both Sides 62	36	5 x 2	0/3/4/5	0/3/4/5	5 x 2	--	--	66
B. Parking on One Side 52	28	5 x 2	0/3/4/5	0/3/4/5	5 x 2	--	--	56
C. Off-Street Parking Only 48	22	5 x 2	0/3/4/5	0/3/4/5	5 x 2	--	--	52
<u>5. Secondary Collectors:</u>								
A. Parking on Both Sides [f] 66	38	5 x 2	4/5	4/5	5 x 2	--	--	68
B. Parking on One Side [f] 58	30	5 x 2	4/5	4/5	5 x 2	--	--	60

	Barberton Development Code							
C. Off-Street Parking Only 50	22	5 x 2	4/5	4/5	5 x 2	--	--	52
<u>6. Primary Collectors/Secondary Arterials</u> 78	44	5 x 2	4/5	4/5	5 x 2	22	20	118 [g]
<u>7. Primary Arterials</u> 82	48	5 x 2	5	5	5 x 2	22	20	122 [g]
126	92	5 x 2	5	5	5 x 2	22	20	166 [g]
<u>8. Freeways</u> [h]	[h]	--	--	--	--	[h]	[h]	[h]
<u>9. Streets with Medians</u> [j]	[j]	[j]	[j]	[j]	[j]	[j]	[j]	[j]

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / Table 1240B: Minimum Street & Alley Right-Of-Way Width Standards / Notes for Table 1240B**

**Notes for Table 1240B**

Except as specifically provided otherwise, all standards in this table are mandatory.

Required minimum ROW width is sum of the widths required for facilities in the columns to the left that are required or otherwise provided in the ROW.

For pedestrian ways, see Table 1240I.

All standards are in feet.

"x 2": Two provided, one on each side of street

[a] From Table 1240A.

[b] Tree lawn that includes utilities ROW shall be 10 feet wide. See note [d]. Tree lawn requirements in commercial, office, and industrial areas shall be as provided in 1240.09(d)(7). Tree lawns are not required where no sidewalks or utility ROW's are provided within the street ROW. In

tree lawns where no trees are to be installed, minimum width of tree lawn shall be 3 feet.

[c] As provided in Table 1240I. Multiple figures separated by slashes represent the most common alternative requirements.

[d] 10-foot-wide utilities ROW coextensive with 5-foot-wide tree lawn; net of 5 feet over minimum tree lawn width for utilities ROW. Not required if utilities are not located in street ROW. Where no tree lawn is required, utilities ROW width shall be 10 feet. The City Engineer may approve a narrower utilities ROW.

[e] Lowest total figure applies to residential area. Total may be even lower in a commercial, office, or industrial area. Lowest total figures assume normal requirements for tree lawns, utilities ROW's, and narrowest allowable sidewalk on both sides of the street. Where these facilities are not required, or where requirements differ on different sides of the street, totals may be lower.

[f] Permitted but not normally recommended.

[g] With frontage road.

[h] Standards for freeways should be based on detailed engineering studies.

[i] Frontage roads are required only when mandated by the Planning Commission.

[j] A street with a median shall conform to the same standards as the street in this table representing its functional classification with the addition of a landscaped median 12 feet or 40 feet in width and a corresponding increase in the right-of-way width.

**Please Note: To view the Street Cross-Section Graphic, see page 1240-15 of the printed version of the Barberton Development Code**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / Table 1240C: Other Street and Alley Standards**

**Table 1240C: Other Street and Alley Standards**

Suggested	Minimum Center Line
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**Barberton Development Code**

<u>Classification</u>	<u>Spacing in Miles</u>	<u>Centerline Grade:</u>		<u>Crown (Cross-Slope)[a]</u>		<u>Radius in Ft.[c]</u>
		<u>Minimum [b]</u>	<u>Maximum [b]</u>	<u>Minimum</u>	<u>Maximum[b]</u>	
Pedestrian Ways	N/A	0.5 %	12 % [d]	0.25	0.5	--
Alleys	N/A	0.5 %	10 %	0.25	0.5	100
Culs-de-Sac [e]	N/A	0.5 %	5 %	0.25	0.5	100
Other Minor Streets	N/A	0.5 %	10 %	0.25	0.5	100
Collector Streets	1/4 - 1/2	0.5 %	8 %	0.25	0.5	300
Primary Collector/ Secondary Arterial Streets	1/2 - 1	0.5 %	6 %	0.25	0.5	400
Primary Arterial Streets	1 - 2	0.5 %	6 %	0.25	0.5	500

Except as specifically provided otherwise, all standards in this table are mandatory.

[a] In inches per foot.

[b] Except where necessitated by unusual topography or other conditions as approved by the City Engineer. Minimum grade shall in all cases be 0.25 %. Maximum grade within 50 feet of an intersection shall be 5 % for alleys, culs-de-sac, and minor streets. Maximum grade within 100 feet of an intersection shall be 3 % for all other streets.

[c] For horizontal curves.

[d] Unless stair steps approved by the Planning Director are provided.

[e] See Table 1240D for other standards for cul-de-sac streets.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / Table 1240D: Other Standards for Cul-de-Sac Streets**

**Table 1240D: Other Standards for Cul-de-Sac Streets**

<b>Maximum Length of Street</b> (measured to center of turn-around)	800 feet
<b>Maximum Number of Dwellings Served</b>	15

**Circular Turn-Arounds: [a]**



**Barberton Development Code**

Minimum radius:	
Right-of-way:	[b]
Pavement:	50 feet
Minimum pavement width	14 feet

**Tor Y-Shaped Turn-Arounds: [a]**

Minimum right-of-way width:	[b]
Pavement:	
Minimum width:	20 feet
Minimum length:	60 feet

Entries to culs-de-sac over 200 feet long shall be identified with signage indicating the street is not a through street.

The Planning Commission may require a 20-foot-wide easement at the end of a cul-de-sac to provide for drainage or continuation of utilities to the next street.

[a] Cul-de-sac streets shall have a permanent circular, T-shaped, or Y-shaped turn-around at the closed end.

[b] Sufficient to provide space for installed ROW facilities. See Table 1240B.

For other standards for cul-de-sac streets, see Tables 1240A, 1240B, and 1240C.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / Table 1240E: Driveway Standards**

**Table 1240E: Driveway Standards**

**1. Maximum Number of Driveways onto Arterial Streets: [a]**

A. Lot or building sites with arterial frontage under 150 feet:	1
B. All other lot or building sites:	2 plus 1 per 50 feet of frontage over 200 feet

**2. Minimum Separation of Driveways on Arterial Streets [a] [b] [c]:**

A. From Street Intersection:

- 1. Driveways leading to Loading Areas 50 feet
- 2. All Other Driveways 40 feet

B. From Any Other Driveway on Same Side of Street:

- 1. Driveways to Loading Areas 70 feet [d]
- 2. All Other Driveways 30 feet [d]

**3. Maximum Driveway Grade** 10 percent [e]

**4. Driveway Width:**

Driveway Width in Feet [f]:

	<u>At ROW Line:</u>		<u>At Curb Line:</u>	
	<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>
<b>Single- or Two-Family Residential: __</b>	9	24	9	24
<b>All Other Uses:</b>				
One-Way	12	30	12	60
Two-Way	24	30	24	60
Divided [g]	24 [h]	30 [h]	--	--

[a] Applies to all uses except single- and two-family residential. See 1240.02(f)(4) for rules for single- and two-family.

[b] Measured along the right-of-way from the near edge of the pavement or face of curb of the intersecting street and from the near edge of the curb cut.

[c] Two adjacent lots may share a driveway along their common lot line to comply with this provision.

[d] This is a minimum standard that should be substantially exceeded wherever possible.

[e] Within 10 feet of curb or edge of street pavement.

[f] Measured at right angles to the angle of a non-perpendicular driveway entrance.

[g] Permitted on lots and building sites with no less than 150 feet of frontage.

[h] On each side of median. Median shall have a minimum width of 6 feet.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.03 Lots and Blocks**

**1240.03 Lots and Blocks**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.03 Lots and Blocks / (a) Blocks**

**(a) Blocks**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.03 Lots and Blocks / (a) Blocks / (1) Dimensions**

*(1) Dimensions*

Blocks shall conform to the dimensions of Table 1240F.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.03 Lots and Blocks / (a) Blocks / (2) Orientation of Long Blocks**

*(2) Orientation of Long Blocks*

*Blocks longer than 900 feet should be so oriented that the longer side does not impair access from residential areas to activity centers such as schools, parks, houses of worship, and shopping areas.*

*Blocks fronting on arterial streets should front the longer side along the arterial to minimize the number of intersections on the arterial.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.03 Lots and Blocks / (a) Blocks / (3) Pedestrian Ways in Long Blocks**

*(3) Pedestrian Ways in Long Blocks*

Pedestrian ways shall be provided in long residential blocks as provided in division

1240.09(e)(5).

**Table 1240F: Required Block Dimensions**

	<u>Minimum</u>	<u>Maximum</u>
<u>Residential Blocks:</u>		
Length in feet [a]	400 [b]	1,800 [c]
Width in feet	[d]	1,800
<u>Non-Residential Blocks:</u>		
	None	None

[a] Unless other standards are dictated by topography or other unusual factors.

[b] Minimum length of block side abutting arterials should be 1,200 feet.

[c] Except in areas with mean average lot areas exceeding 2 acres.

[d] Sufficient to provide for 2 tiers of lots or building sites, except abutting arterial streets, freeways, railroads, water bodies, or abrupt changes in topography.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.03 Lots and Blocks / (b) Lots and Building Sites**

**(b) Lots and Building Sites**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.03 Lots and Blocks / (b) Lots and Building Sites / (1) Street Frontage**

***(1) Street Frontage***

All lots and building sites shall front on an existing or planned public or approved private street except as otherwise approved through Site Plan Review.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.03 Lots and Blocks / (b) Lots and Building Sites / (2) Size and Shape**

***(2) Size and Shape***

*Lots and building sites should be sized and shaped to create functional building areas appropriate to the particular land use. Fractional lots or building sites shall not be permitted.*

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.03 Lots and Blocks / (b) Lots and Building Sites / (3) Abutting Freeways and Railroads**

***(3) Abutting Freeways and Railroads***

Residential lots and residential building sites backing up to an existing or planned railroad or freeway right-of-way shall incorporate a strip no less than 30 feet deep with a restriction lettered on the plat reserving the strip for plantings and prohibiting buildings thereupon.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.03 Lots and Blocks / (b) Lots and Building Sites / (4) Crossing of Government Lines**

***(4) Crossing of Government Lines***

Lines of lots and building sites shall not cross boundary lines of the City or of a township or other government body.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.03 Lots and Blocks / (b) Lots and Building Sites / (5) Angle of Side Lot Lines**

***(5) Angle of Side Lot Lines***

Although side lines of lots or building sites are traditionally straight lines positioned at right angles to straight street lines or radial to curved street lines, other side lot line configurations such as on Z-lots are permitted to encourage better utilization of space, greater privacy, a more interesting streetscape, or the provision of affordable housing.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.03 Lots and Blocks / (b) Lots and Building Sites / (6) Lots at T Intersections**

***(6) Lots at T Intersections***

The lines of a lot or building site located opposite a T intersection shall not create a dwelling site directly opposite the intersecting street.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.03 Lots and Blocks / (b) Lots and Building Sites / (7) Through Lots**

*(7) Through Lots*

Through lots should be platted only where appropriate to the topography or where desirable to control access onto arterial streets.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.03 Lots and Blocks / (b) Lots and Building Sites / (8) Access to Street**

*(8) Access to Street*

All lots and building sites shall have frontage of no less than 20 feet on a public or City-approved private street except where the Planning Commission approves a flag lot.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.03 Lots and Blocks / (b) Lots and Building Sites / (9) Lot Size**

*(9) Lot Size*

**A. Minimum Size**

All lots shall conform to size requirements established by Chapter 1110 and shall be large enough to accommodate any off-street parking or loading required by Chapter 1210.

**B. Oversized Lots**

When proposed lots are more than double the minimum area required and are not proposed for immediate development, the Planning Commission may require them to be sized and laid out with respect to existing or, where necessary, future streets in such a way as to facilitate eventual resubdivision into lots meeting the minimum requirements of Chapter 1110.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.03 Lots and Blocks / (b) Lots and Building Sites / (10) Maximum Depth**

*(10) Maximum Depth*

To avoid waste of land and the need for assemblage or resubdivision to create usable lots, lot depth shall not exceed 3 times lot width except where deeper lots are necessary to provide a buffer from an adjacent arterial street, railroad, or other incompatible land use.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.04 Reservations and Dedications**

## 1240.04 Reservations and Dedications

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.04 Reservations and Dedications / (a) Reservations**

### **(a) Reservations**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.04 Reservations and Dedications / (a) Reservations / (1) Reservation Required**

#### ***(1) Reservation Required***

The land required for a proposed street or other public area, extension thereof, or any portion thereof shown on an Official Map or Comprehensive Plan or element thereof adopted by the City Council shall be reserved for public acquisition prior to approval by the Planning Commission of a subdivision or Site Plan for any development within which it is included.

Except that if the City Council finds that the applicable provision of the Map or Plan is no longer appropriate because of changed conditions since its adoption, the Council may relieve the applicant of all or part of the requirement for reservation. The Council shall amend such Plan or Map as necessary within a reasonable time after making such finding.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.04 Reservations and Dedications / (a) Reservations / (2) Location and Dimensions of Land**

#### ***(2) Location and Dimensions of Land***

Reserved land shall conform to the locations and dimensions, if any, specified on the Official Map or Comprehensive Plan and to applicable standards of this chapter. In case of conflict, the latter shall govern.

If the location, dimensions, or alignment of any public land is not specified precisely in either the Plan or the Map, the Planning Commission shall determine whether such land is to be included in whole or in part within the applicant's property. If any such land is to be so included, the Commission shall approve a location, alignment, and dimensions therefor. In the case of public collector and arterial streets to be dedicated, the Planning Commission may use suggested spacing guidelines of Table 1240C

to make a determination as to location.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.04 Reservations and Dedications / (a) Reservations / (3) Types of Lands to Be Reserved**

***(3) Types of Lands to Be Reserved***

Proposed public areas for which reservation is required are:

- A. arterial and freeway streets
- B. public parks, playfields, playgrounds, and other public open spaces
- C. public school sites
- D. fire station sites.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.04 Reservations and Dedications / (a) Reservations / (4) Dedication May Substitute**

***(4) Dedication May Substitute***

The applicant may dedicate all or part of such land to the City or other applicable public body in lieu of reserving it. Any part not dedicated shall be reserved.

Such dedication shall be credited toward any applicable requirements for land dedication in division 1240.04(b) provided it meets all requirements therein.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.04 Reservations and Dedications / (a) Reservations / (5) Duration of Reservation**

***(5) Duration of Reservation***

Land to be reserved shall be reserved for:

- A. a period of one year beginning on the date of approval of the Preliminary Plat, Site Plan, or other applicable initial approval by the City, or
- B. any lesser or greater period agreed to by the City and property owner.



**Standards / 1240.04 Reservations and Dedications / (a) Reservations / (6) Reservation Purchase Price**

***(6) Reservation Purchase Price***

Reserved land shall be offered for purchase at undeveloped land costs comparable to other land in the development.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.04 Reservations and Dedications / (a) Reservations / (7) Agency for Which Land Is Reserved**

***(7) Agency for Which Land Is Reserved***

Reserved land or any portion thereof located within the City or within a property that the property owner or the City has taken action to have annexed to the City, shall be reserved for purchase by the City of Barberton, the Barberton Public Schools, Summit County, or the State of Ohio, as applicable.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.04 Reservations and Dedications / (a) Reservations / (8) Status of Land During Reservation Period**

***(8) Status of Land During Reservation Period***

During the reservation period, no structure shall be erected nor any grading or tree or topsoil removal done or any other use established except with prior approval of the Planning Commission.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.04 Reservations and Dedications / (b) Mandatory Dedications**

***(b) Mandatory Dedications***

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.04 Reservations and Dedications / (b) Mandatory Dedications / (1) Streets and Public Facilities**

***(1) Streets and Public Facilities***

The developer shall without compensation dedicate to the City or other applicable public body:

- A. all streets and alleys except:

1. approved private streets and alleys, and
  2. arterial streets, and
  3. freeways, and
- B. sanitary and storm sewers, and
- C. water systems, and
- D. street lighting, and
- E. all appurtenances to all of the foregoing.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.04 Reservations and Dedications / (b) Mandatory Dedications / (2) PUD's  
(2) PUD's**

Planned Unit Developments may be required to dedicate land for parks, open spaces, or other public areas that exceed the kinds and amounts of dedication required for other developments.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.04 Reservations and Dedications / (b) Mandatory Dedications / (3) Acceptance**

**(3) Acceptance**

Acceptance by the City of dedications shall be as provided in division 1240.09(a)(6).

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.05 Easements**

**1240.05 Easements**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.05 Easements / (a) Utility Easements**

**(a) Utility Easements**

The developer shall grant to the applicable utility companies any easements necessary for the

installa-tion, operation, and maintenance of any electric and communications utility lines.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.05 Easements / (b) Drainage Easements**

**(b) Drainage Easements**

An easement in the name of the City shall be pro-vided for any watercourse or drainageway channel traversing a development. The City Engineer shall determine the location, alignment, and dimensions thereof and required improvement thereto.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.05 Easements / (c) Structures on Easements**

**(c) Structures on Easements**

No structure shall be located in any utility or drainage easement other than a fence, tree or other landscaping, and necessary signs approved by the Planning Director. The property owner shall be responsible both for maintenance of the easement area and for repair and replacement of any structures, hard surfaces, or landscaping thereupon other than those provided by utility companies or public bodies. Fences shall at all times allow access to the easement by maintenance personnel.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.05 Easements / (d) Location and Size**

**(d) Location and Size**

Utility easements shall be centered along rear or side lot lines if not within or abutting a street or alley right-of-way. All easements shall conform to Table 1240G.

**Table 1240G: Easement Widths**

	<u>Minimum Easement Width in Feet</u>
1. Rear/side yard easements [a]:	
A. For single utility	10
B. For 2 or more utilities	15

- 2. Drainageway easements 20 [b]
- 3. Other easements 10

[a] For both underground and above ground utility lines, required width shall be divided equally between the two abutting lots. Shall be entirely on subject lot if there is no easement on adjoining lot.

[b] Or of sufficient width to provide for the watercourse and space for maintenance operations as determined by the City Engineer.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.06 Open Space**

**1240.06 Open Space**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.06 Open Space / (a) Ownership**

**(a) Ownership**

Public or common open space provided in a development shall be owned by the owner of the development, a public agency, a property owners association, the cooperative owning the development, or a condominium association.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.06 Open Space / (b) Preservation of Open Space**

**(b) Preservation of Open Space**

The current owner of such open space, whether a public or private body, shall be responsible for retaining common or public open space approved as part of a subdivision plat or Site Plan in such use in perpetuity unless otherwise provided as part of the approval or unless the City approves a new or amended Plan or plat.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.06 Open Space / (c) Association Covenants**

**(c) Association Covenants**

If a property owners or condominium association is to own common open space, its covenants and restrictions shall provide:

- (1) that the association be established before any properties in the development are sold, and
- (2) that membership therein be mandatory for all property owners, and
- (3) that the association be responsible for property taxes, liability insurance, and maintenance of open spaces and recreational facilities within them and for levying a pro rata assessment on all property owners therefor, and
- (4) that property owners be required to pay such assessments, and that the assessments can become a lien on each owner's property.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.06 Open Space / (d) Reservation and Dedication**

**(d) Reservation and Dedication**

Parks, playgrounds, and other public open spaces shall be reserved and dedicated as provided in Section 1240.04.

Other private or public open space shall be provided on land in the LC District under division 1110.02(f).

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.06 Open Space / (e) Vacations**

**(e) Vacations**

Vacations of public parks or other City public spaces shall be as provided in Table 1320A.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.07 Natural Features**

**1240.07 Natural Features**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.07 Natural Features / (a) Compatibility of Development**

**(a) Compatibility of Development**

*Developments should be as compatible as practical, especially outside of intensively developed neighborhoods, with natural features such as topography, trees, bodies of water, and flood plains in order to reduce grading; economize on sewer and stormwater drainage construction; reduce flooding, erosion, and sedimentation; minimize loss of trees and topsoil; and add character to, and enhance property values in, the development.*

The Planning Commission may disapprove a subdi-vision plat or Site Plan for a development if:

1. there are pre-existing conditions such as flooding, steep slopes, improper drainage, and adverse earth formations that it determines likely to be harmful to the health, safety, or welfare of occupants or other users of the development, and
2. such conditions have not been proposed for satisfactory amelioration in the development plans.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.07 Natural Features / (b) Tree Preservation**

**(b) Tree Preservation**

Tree preservation shall be as provided in division 1220.05(d).

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.07 Natural Features / (c) Topsoil Preservation**

**(c) Topsoil Preservation**

Topsoil moved in construction shall be redistributed so as to provide general coverage of all disturbed areas of the development. No topsoil shall be used as spoil or removed from the property.

As shown on a grading and drainage plan, topsoil shall be stabilized by:

- (1) seeding or planting on slopes of under 10 percent
- (2) sodding on slopes of 10 percent or more
- (3) other ground cover on slopes of 20 percent or more.

Any seeding shall use a grass indigenous to the conditions of the site.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.07 Natural Features / (d) Building in Flood Plains**

**(d) Building in Flood Plains**

Building in flood plains shall conform to Chapter 1260.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.07 Natural Features / (e) Water Courses**

**(e) Water Courses**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.07 Natural Features / (e) Water Courses / (1) Credit Toward Lot Area**

***(1) Credit Toward Lot Area***

Land under water shall be credited toward a maximum of 25 percent of required lot area.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.07 Natural Features / (e) Water Courses / (2) Culvert Required for Street Access**

***(2) Culvert Required for Street Access***

A culvert or other structure shall be installed where a water course separates the buildable area of a lot or building site from a street to which it is to have access.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.07 Natural Features / (e) Water Courses / (3) Lot Lines Along Water Courses**

***(3) Lot Lines Along Water Courses***

Open water bodies or courses and man-made drainageways should be distributed among the adjacent lots or building sites by placing the boundary lines thereof along such waterways unless they are part of an area to be devoted to public or common open space.

Open water courses should where practical run roughly along rear lines or else along side lines of lots or building sites.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.08 Other Standards**

## **1240.08 Other Standards**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.08 Other Standards / (a) Development Name**

**(a) Development Name**

The name of the development, if any, shall not duplicate or be similar in spelling or pronunciation to that of any other development in the City or extraterritorial area.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements**

## **1240.09 Improvements**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (a) General Regulations**

**(a) General Regulations**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (a) General Regulations / (1) Where Required**

***(1) Where Required***

**A. New Developments**

The improvements specified in this section shall be installed in all applicable portions of a development, including along streets bordering the development. They shall be either installed or guaranteed prior to the approval of:

1. a Final Plat of a subdivision, or
2. a Final Plan for a Planned Unit Development or Final Site Plan for a site

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condominium or site cooperative.

**B. Existing Lots**

The improvements specified in this section for the following items shall be installed or guaranteed, if they are required hereunder and have not already been installed or guaranteed, prior to the issuance of a Certificate of Occupancy for a new or replacement principal building on an existing lot or building site:

1. Lot grading
2. Sidewalks
3. Driveway approaches, where curbs and gutters have been installed
4. Street trees.

**C. Extension to Boundaries**

All required improvements shall be extended to the boundaries of the property or of the phase thereof being developed in order to serve adjacent undeveloped land, except where the Planning Commission determines such extension to be unnecessary.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (a) General Regulations / (2) Capacities**  
*(2) Capacities*

Sizes and capacities of required improvements not specified in this section shall be as approved by the City Engineer.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (a) General Regulations / (3) Cost-Shared Improvements**  
*(3) Cost-Shared Improvements*

**A. Where Required**

To plan adequately for future growth, the Planning Commission or City Engineer may require installation of on- or off-site improvements or of improvements capacities that will serve properties other than the subject development.

Such improvements or capacities shall be cost-shared as provided herein if the Commission determines that their funding solely as a municipal expenditure or by special assessment is

not warranted. Such improvements may include the procuring of rights-of-way or easements necessary to extend streets or sewer or water lines between their present termini and the subject property.

**B. Cost-Sharing Allocations**

1. On-Site Improvements

The developer shall be responsible for the cost of construction and installation of:

- a. all alleys, marginal access and frontage roads, minor streets, and collector streets, and
- b. all on-site improvements of the following diameter dimensions or smaller:

Sanitary Sewers	8 inches
Storm Sewers	24 inches
Other Drainage Facilities	As determined by City Engineer
Water Mains	6 inches

The developer shall not be responsible for the difference between the cost of these improvements and improvements costs that include any additional or larger-capacity improvements required by the City. Except that the developer shall pay a pro rata share of this difference if estimates approved by the City Engineer based on Table 1240H determine that usage by the development will require greater capacities than the foregoing improvements provide.

2. Off-Site Improvements

The developer shall be responsible for only the share of the total capacity added by a cost-shared off-site improvement that his or her development will use.

Capacity of off-site improvements shall be measured as provided in Table 1240H. The share thereof to be used by a development shall be based on estimates relating to number of dwellings, floor space, or other appropriate measure approved by the City Engineer.

3. Costs Not Paid by Developer

The portion of cost-shared improvements not paid by the developer shall be paid as a municipal expenditure or by special assessment of benefitted properties outside the development.

**C. Deferred Construction**

If construction of an improvement is deferred, the City Council may require the

cost-sharing required of the developer to be financially guaranteed as provided in division 1350.02.

Principal and earnings from a guarantee shall be returned to the developer if construction of the applicable improvement is not started within 2 years of the date the guarantee is posted.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (a) General Regulations / (4) Waiver of Required Improvements**

***(4) Waiver of Required Improvements***

The Planning Commission may defer or waive the provision of any improvement required herein because of an inadequacy or lack of connecting facilities that cannot readily be remedied or because it otherwise determines that in the specific instance omission of such improvements will not adversely affect the public health, safety, or welfare.

If provision of an improvement is deferred, the developer shall provide a financial guarantee ensuring its later installation.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (a) General Regulations / (5) Approval of Drawings and Specs**

***(5) Approval of Drawings and Specs***

Drawings and specifications for all required improvements shall be filed with the City Engineer. No improvement shall be installed that is not in compliance with drawings and specifications approved by the Engineer.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (a) General Regulations / (6) Time Period for Installation**

***(6) Time Period for Installation***

All required improvements shall be completely installed within:

A. 2 years from the date of issuance of the Building Permit or an extension thereof granted by the Building Commissioner, or

B. such other period as may be specified in the contract establishing a financial guarantee for such installation.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (a) General Regulations / (7) Acceptance of Dedications**  
*(7) Acceptance of Dedications*

The City Council shall accept dedication of a public improvement or public area within 30 days of receipt of the offer of dedication. It shall accept dedication only if all the conditions to follow have been met.

A. City Engineer Certification

The City Engineer has certified that the improvement has been inspected and found to have been completed as approved under subdivision or Site Plan approval, as applicable.

B. Title Insurance

The developer has submitted a policy of title insurance showing his or her fee simple ownership of the improvement or area free of any liens, encumbrances, or other restrictions on the improvement not acceptable to the City.

C. Maintenance Guarantee

The City holds a maintenance guarantee as required by division 1350.02(n).

D. As-Built Drawings

The developer has submitted As-Built Drawings of such improvements prepared by a registered professional engineer or registered land surveyor.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (a) General Regulations / (8) Public Services and Substandard Improvements**

*(8) Public Services and Substandard Improvements*

Neither the City nor any other public service provider shall be obligated to provide services if improvements provided therefor under this chapter are found upon inspection not to be in compliance with City approvals.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (a) General Regulations / (9) Liability Insurance**  
*(9) Liability Insurance*

**Barberton Development Code**

The developer shall provide insurance indemnifying and holding harmless the City of Barberton from any and all liability arising from unimproved conditions of streets or other public areas being improved as part of development.

Such coverage shall not expire prior to the expiration of the maintenance guarantee for such improvements. The amount of coverage shall be as determined by the City Council.

**Table 1240H: Capacity Measures for Improvements**

	<u>Capacity Measure</u>
Sanitary sewer [1]	Flow in gallons per day
Water supply [2]	Usage in gallons per day
Stormwater drainage [3]	Runoff in cubic feet per second
Street or bridge improvements [4]	Peak-hour traffic flow in vehicles per hour

[1] Collector, trunk, and interceptor sewers.

[2] Mains, hydrants, valves, and similar and related appurtenances.

[3] Drains, culverts, catch basins, manholes, riprap, drainage ditch improvements, and similar and related appurtenances.

[4] Street construction and reconstruction, realignment, channelization, signalization improvements, signage, curbs, sidewalks, right-of-way improvements, and similar and related appurtenances.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (b) Survey Monuments**

**(b) Survey Monuments**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (b) Survey Monuments / (1) Construction**

***(1) Construction***

Survey monuments shall be of stone or concrete with an iron pin in the center or shall be of metal as approved by the City Engineer.

Monuments and pins shall be of a size, length, and shape as specified by the City Engineer.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (b) Survey Monuments / (2) Location**

***(2) Location***

Survey monuments shall be set so that the top is at the finished grade and so that the monument will not be removed by frost.

They shall mark:

- A. external boundaries of the property, and
- B. street rights-of-way and intersections, and
- C. boundaries of lots.

Along such lines the monuments shall be located:

- A. at beginning and end points of curves and points where radius or direction changes,
- and
- B. at angle points in any line, and
  - C. at corners, and
  - D. not more than 1,400 feet apart in any straight line, and
  - E. at intermediate points as required by the City Engineer.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (c) Grading**

***(c) Grading***

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (c) Grading / (1) Streets**

***(1) Streets***

The developer shall grade the entire right-of-way of all streets in accordance with a grading and drainage plan approved by the Planning Commission and specifications approved by the City Engineer.

The developer shall grade the roadbed (pavement) area to subgrade.

Tree lawns shall be graded to a minimum grade of 2 percent and a maximum of 5 percent

upward from the curb or street pavement.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (c) Grading / (2) Lots and Building Sites**

***(2) Lots and Building Sites***

Lots and building sites shall be graded, except for lots and building sites for one- and two-family residential use at least 75 feet in width.

Lot and site grading shall conform to the approved grading and drainage plan, shall assure satisfactory drainage, and where practical eliminate grades that impair the usability of yards and open spaces.

*As many building sites as possible should be above street grade and as few as possible significantly below street grade.*

After grading, graded portions of lots and building sites not paved or covered by buildings shall be covered with soil having no particles over 2 inches in diameter with an average depth of no less than 6 inches.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (d) Streets and Alleys**

**(d) Streets and Alleys**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (d) Streets and Alleys / (1) Street Construction**

***(1) Street Construction***

All streets shall have a 6-inch concrete base except where the City Engineer requires a higher standard because of unusual soil conditions or extraordinary traffic loads.

Other materials shall conform to the standards of the City Engineer, of the applicable County Engineer, or of the Ohio Department of Transportation, whichever has jurisdiction.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (d) Streets and Alleys / (2) Curb and Gutter**

***(2) Curb and Gutter***

**A. Required**

Curbs and gutters are required in order to protect pedestrians, tree lawns, sidewalks, and front yards from vehicle encroachment, protect edges of street pavement, and control drainage.

After installation of all utility and stormwater drainage improvements, the developer shall construct concrete curbs and gutters to specifications approved by the City Engineer. Curbs shall be of straight or rolled design.

Provision for driveway curb cuts shall wherever possible be made at the time of construction.

**B. Exemption**

No curbs and gutters shall be required for single-family residential development having all lots or build-ing sites exceeding 100 feet in lot width except:

1. where curbs and gutters exist on abutting properties, or
2. where the Planning Commission determines them necessary for control of unusual stormwater problems.

Where curbs are not required, alternative edge definition and stabilization shall be required to prevent pavement unravelling.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (d) Streets and Alleys / (3) Street Lighting**  
**(3) Street Lighting**

Street lighting shall be installed at all intersections on arterial streets in accordance with current standards of the Illuminating Engineering Society or as otherwise approved by the City Engineer.

All street lighting wires, conduits, and cables shall be installed under ground except where they serve infill parcels in developed sections having such facilities above ground.

Street lighting shall not be required:

- A. in single- or two-family residential developments with all lot or building site widths exceeding 100 feet, or
- B. in completely non-residential developments.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements**



**Standards / 1240.09 Improvements / (d) Streets and Alleys / (4) Street Signs**

***(4) Street Signs***

The developer shall bear the costs of manufacturing and installing street name signs conforming to the standards for materials, construction, and location established by the City Engineer.

At least one street sign shall be installed at all T intersections and two signs at all other intersections. They shall be installed below lamps of street lights and in locations free of visual obstructions. They shall be of uniform size and color as specified by the City Engineer.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (d) Streets and Alleys / (5) Bridges**

***(5) Bridges***

Bridges shall conform to the standards of the City Engineer and of applicable county and state officials.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (d) Streets and Alleys / (6) Fire Hydrants**

***(6) Fire Hydrants***

Where public water service is provided, the developer shall install fire hydrants and control valves to standards determined by the City Engineer in consultation with fire officials.

Hydrants shall be located:

- A. at block corners, and
- B. at other locations so that no point along a street is more than 300 feet from a hydrant.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (d) Streets and Alleys / (7) Driveway Approaches**

***(7) Driveway Approaches***

The developer shall construct driveway approaches in conformity with the specifications of the City Engineer.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (d) Streets and Alleys / (8) Tree Lawns**

*(8) Tree Lawns*

Tree lawns are required in order to provide a buffer between vehicular traffic and pedestrians on sidewalks, a space for shade tree planting or other street landscaping, an area for storage of plowed snow, a right-of-way for utility lines, and a place for temporary storage of trash receptacles awaiting pick-up.

The developer shall provide seeded or sodded tree lawns between the sidewalk and the curb or edge of street pavement on every side of a street right-of-way where sidewalks are either required by Table 1240I or voluntarily installed.

Minimum width of tree lawns shall be as provided in Table 1240B.

Tree lawns shall be completely planted in grass or other vegetative ground cover except where traversed by sidewalks or driveways.

No tree lawns shall be required on block faces having over 50 percent of their ground floor frontage in commercial, office, or industrial use.

Maintenance of tree lawns shall be the responsibility of the owner of the abutting property.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (d) Streets and Alleys / (9) Street Trees**

*(9) Street Trees*

Tree lawns shall be provided with street trees as provided in Section 1220.04(b).

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (d) Streets and Alleys / (10) Planning Standards**

*(10) Planning Standards*

Streets and alleys shall conform to the standards of Section 1240.02.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (e) Sidewalks and Pedestrian Ways**

**(e) Sidewalks and Pedestrian Ways**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (e) Sidewalks and Pedestrian Ways / (1) Where**

**Required**

**(1) *Where Required***

The developer shall construct concrete sidewalks in the street right-of-way along the full frontage of each lot or building site where required by Table 1240I in conformity with the specifications thereof and of the City Engineer.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (e) Sidewalks and Pedestrian Ways / (2) Exception for Non-Continuous Walks**

**(2) *Exception for Non-Continuous Walks***

The Planning Director may waive or defer sidewalk installation if:

A. on both sides of the lot or building site along a single street frontage, the lot or building site abuts developed or undeveloped property lacking sidewalks for a cumulative continuous frontage in both directions of no less than 1,000 feet, and

B. he or she determines that sidewalk installation along 50 percent or more of such cumulative frontage is unlikely in the foreseeable future.

The Director may require a guarantee for the future installation of deferred sidewalks.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (e) Sidewalks and Pedestrian Ways / (3) Installation in Exempt Locations**

**(3) *Installation in Exempt Locations***

The Planning Commission may require a sidewalk where none is required by Table 1240I if the Commission determines it necessary:

A. for pedestrian safety, or

B. for access from residential areas to a school, park, or activity center, or

C. to close a gap in an otherwise continuous sidewalk system.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (e) Sidewalks and Pedestrian Ways / (4) Pedestrian Ways**

**(4) Pedestrian Ways**

In lieu of sidewalks within street rights-of-way, the Planning Director may approve continuous concrete or asphalt pedestrian ways, as defined herein, through common or public open space areas. Such pedestrian ways shall serve every lot or site otherwise required to have sidewalks.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (e) Sidewalks and Pedestrian Ways / (5) Pedestrian Ways in Long Blocks**

**(5) Pedestrian Ways in Long Blocks**

The Planning Commission may require a mid-block pedestrian way meeting the standards of Table 1240I on blocks longer than 900 feet if it finds it necessary to improve pedestrian access from residential areas to schools, parks, shopping areas, or other activity centers. The location of such pedestrian way shall be as approved by the Commission.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (e) Sidewalks and Pedestrian Ways / (6) Pedestrian Ways on Culs-de-Sac**

**(6) Pedestrian Ways on Culs-de-Sac**

In residential areas the Planning Commission may require a pedestrian way linking the end of a cul-de-sac to a nearby school, park, shopping area, playground, or other activity center.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (e) Sidewalks and Pedestrian Ways / (7) Location**

**(7) Location**

Sidewalks and pedestrian ways should be located where they will not be obstructed by utility poles, existing trees, and other obstacles.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (e) Sidewalks and Pedestrian Ways / (8) Ramps**

**(8) Ramps**

Ramps for wheelchairs, baby carriages, and similar vehicles shall be installed across curbs:

A. where sidewalks or pedestrian ways cross streets, and

B. wherever else the Planning Commission determines there will be significant pedestrian flow between a sidewalk and the street.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (e) Sidewalks and Pedestrian Ways / (9) Other Standards**

**(9) Other Standards**

Sidewalks and pedestrian ways shall conform to the standards of Table 1240I.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (e) Sidewalks and Pedestrian Ways / (10) Other Exceptions**

**(10) Other Exceptions**

The Planning Director may approve exceptions to the requirements of Table 1240I where necessary to preserve mature trees or to conform to unusual topography.

He or she shall grant an exception to the requirement for sidewalk installation on a block face if construction involving sidewalk replacement therein is to begin within 3 years.

He or she may approve asphalt sidewalks in locations on non-arterial streets at which he or she determines there is likely to be little pedestrian traffic.

(Ord. 148-1995. Passed 12-11-95; Ord. 119-1999. Passed 7-26-99.)

**Table 1240I: Standards for Sidewalks and Pedestrian Ways**

Minimum Width in Feet [a]

A. Pedestrian Ways:

Right-of-Way 10

Pavement 3

B. Sidewalk Pavement [b]:

1. In C-D Downtown

Commercial District: 7

2. In All Other Districts:

- a. Along Arterial Streets 5
- b. Along Collector Streets 4

c. Along Minor Streets:

1. On All-Single- and/or Two-Family Residential Block Faces:

- A. Along culs-de-sac serving under 10 dwellings None [c]
- B. With all lots/building sites over 150 feet lot width None [c]
- C. With all lots/building sites of 100-150 feet lot width 3 [d]
- D. All other cases 3

2. On All-Industrial Block Faces None [c]

3. On Any Block Face Where:

- A. Diagonally parked cars overhang sidewalk 5
- B. Sidewalk abuts driving lane (no tree lawn) 5

4. On All Other Block Faces 4

Sidewalks are required on both sides of all streets except as otherwise provided herein.

[a] Minimum width abutting an existing sidewalk segment shall be that of such segment.

[b] The Planning Director may reduce required width where necessary to accommodate an existing mature tree.

[c] None required except in special cases under 1240.09(e)(3).

[d] Required on one side of street only. Shall be installed on north or east side of street except where the Planning Director requires installation elsewhere to connect with an existing sidewalk; to better serve a school, house of worship, or other activity center; or to otherwise better serve pedestrian traffic.

Where a sidewalk is discontinued on one side of a street other than at an intersection and resumed on the opposite side of the street, there shall be a painted crosswalk on the street pavement linking the two sidewalk segments.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (f) Utilities**

**(f) Utilities**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (f) Utilities / (1) General Rules**

**(1) General Rules**

**A. When Required**

Underground utilities to be installed in public street rights-of-way shall be installed prior to dedication and to permanent paving.

**B. Where Required**

The developer shall construct mains and lateral connections to make such services available to every lot or building site in a development where City sanitary or storm sewers or water lines are located:

1. within the applicable distance specified below of the development, or
2. are programmed to be extended to within such distance within 5 years of approval of a Final Plat or Final Site Plan, or
3. where groundwater pollution or poor soil percolation require public sewer or water to protect health.

Use and Number of <u>Dwelling Units</u>	Distance <u>in Feet</u>
---	----------------------------

Single- and Two-  
Family Residential:

1 unit	200
2	400

3	600
4	800
5 - 15	1,200

All Other Residential &  
Non-Residential Uses: 1,000

**C. When Service Not Yet Available**

If service is not yet available:

1. Public sewer and water laterals shall be constructed to the street line and capped, or
2. the developer shall pay to the City a fee in lieu of such construction.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (f) Utilities / (2) Sanitary Sewers**

**(2) Sanitary Sewers**

Where public sanitary sewers are not provided, the developer shall provide for adequate private sewage disposal systems--a private community sewer and treatment system or individual septic tanks--approved by the City Health Department.

Where public sanitary sewers are proposed to be extended within 5 years, these systems shall be designed and approved as interim facilities only.

Community systems shall conform to Sections 6111.45 and 6111.46 of the Ohio Revised Code.

Lot areas for lot or building sites not served by public sewer shall be as specifically provided in Chapter 1120, Dimensional Requirements.

No sanitary sewage shall drain into a storm sewer. Sanitary sewers shall not be combined with storm sewers.

Other standards for public sewers shall be as approved by the City Engineer.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (f) Utilities / (3) Water Supply**

**(3) Water Supply**



Where public water supply is not provided, the developer shall provide for adequate private water systems--a private community water system or individual wells--approved by the City Health Department.

Standards for public water lines shall conform to the standards of the City Engineer.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (f) Utilities / (4) Stormwater Drainage Facilities**  
*(4) Stormwater Drainage Facilities*

The developer shall construct storm water drainage facilities such as storm sewers, catch basins and inlets, and open channels to standards approved by the City Engineer.

Drainage facilities shall be sized so as to accommodate potential runoff from their entire upstream drainage area, including areas outside the development. The appropriate size shall be determined by the City Engineer. Responsibility for the costs of oversized facilities shall be as provided in division 1240.09(a)(3).

Where City storm sewers are not available, open ditches may be installed in lieu thereof for lots and building sites for one- and two-family residential use less than 75 feet in width. Side slopes of open ditches shall be sodded or seeded in grass with curves riprapped to prevent erosion.

Natural grades should be used wherever practical for drainage so as to avoid excessive grading and drainage structures. Lots and building sites shall provide positive drainage away from all buildings.

When a planned diversion of storm water flow affects surrounding properties, the developer shall acquire sufficient drainage easements to provide adequate disposal of the water.

Storm water shall not drain into any sanitary sewer.

Drainage easements shall be as provided in division 1240.05(b).

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (f) Utilities / (5) Other Utilities**  
*(5) Other Utilities*

**A. Utilities Required**

The developer shall provide for the installation of facilities to serve each lot or building site in the development with the following utility services:

1. Gas (East Ohio Gas Company)
2. Electric power (Ohio Edison)
3. Telephone (Ohio Bell).

The developer shall not be responsible for the installation of these improvements, nor shall he or she be required to provide a guarantee therefor.

**B. Underground Installation**

Both main and service connection lines for electric and communications utilities shall be installed under ground except as provided herein. This requirement shall apply equally to utility lines such as cable television that are not required by this chapter.

Transformers, junction boxes, and similar equipment may be located above ground if screened as provided in Table 1220B.

If as a result of development, existing overhead lines must be relocated or replaced, such lines shall be located under ground.

**C. Above-Ground Utilities**

Utility lines may be installed above ground if the City Engineer determines that underground installation would impose excessive costs as a result of bedrock, underground water, or topographic conditions.

Lot or building sites abutting easements or rights-of-way already having overhead distribution lines for the applicable utility may be served from overhead lines, but service connections therefrom shall be installed under ground.

Where electric and telephone lines are permitted above ground, they shall be located in easements along rear lines of lots or building sites. The Planning Commission may allow installation along side or front lines where necessary because of topography, physical barriers, or other exceptional circumstances.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (f) Utilities / (6) Utility Easements**

***(6) Utility Easements***

Utility easements shall be as provided in division 1240.05(a).

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (g) Other Improvements**

**(g) Other Improvements**

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (g) Other Improvements / (1) Fencing**  
***(1) Fencing***

The developer shall furnish and install fences to standards of the City Engineer wherever the Planning Commission determines a hazardous condition to exist.

**Title 3 : Land Planning and Improvements / Chapter 1240 Other Planning and Improvements Standards / 1240.09 Improvements / (g) Other Improvements / (2) Removal of Debris**  
***(2) Removal of Debris***

All debris--including scrap building materials, products of demolition, stumps and other tree parts, dead or dying trees, rocks, and litter--shall be removed from development sites upon completion of construction of the development or of im-provements. No debris shall be buried on the site.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations**

**Chapter 1250**  
**Special Use Regulations**

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**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations**

**1250.01 Home Occupations**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (a) Purpose**

**(a) Purpose**

The regulations governing home occupations in this section are intended to accomplish the following objectives:

- (1) To protect residential areas from undue adverse environmental influences, excessive traffic, and depreciation of property values by controlling adverse effects of business activity
- (2) To recognize changes in technology and lifestyles that have enhanced the practicability and desirability of home-based work
- (3) To strengthen the economy of the City by facilitating start-ups of small businesses that create jobs and income for its residents
- (4) To provide opportunities for both parents of young children to contribute to the economic support of the household and pursue career interests without either impairing the care of their children or necessitating the high costs of day care
- (5) To provide convenient opportunities for the City's senior citizens and differently abled residents to improve their lives and contribute to the economy of the City
- (6) To provide convenient opportunities for the retired or unemployed to increase their incomes and engage in productive activity
- (7) To avoid discrimination against non-professional and lower-paid types of work or in favor of higher-paid, professional types of work
- (8) To further energy conservation, control of traffic congestion, and reduction in the need for parking by allowing people to work without commuting from their homes
- (9) To encourage the provision of affordable home day care and other necessary neighborhood services
- (10) To enhance security by encouraging a daytime population in residential areas
- (11) To regulate home occupations in a flexible manner that allows those engaged in them considerable freedom so long as adverse external effects are controlled
- (12) To minimize the cost and delay to operators of small businesses associated with compliance with these regulations and the expense to the City in administering them.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (b) Allowable Activities**

**(b) Allowable Activities**

The following area allowed as Accessory Uses in Residential Districts, subject to any other applicable regulations:

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (b) Allowable Activities / (1) Hobbies**

**(1) *Hobbies***

Hobbies that do not produce a profit or only occasionally or incidentally do so.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (b) Allowable Activities / (2) Volunteer Work**

**(2) *Volunteer Work***

Volunteer work for non-profit organizations.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (b) Allowable Activities / (3) Door-to-Door Sales**

**(3) *Door-to-Door Sales***

Marketing or sales activity in a residence by a door-to-door salesperson whose business is not based therein, including sales-oriented "parties" or group product demonstrations.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (b) Allowable Activities / (4) Part-Time Home Office**

**(4) *Part-Time Home Office***

A home office used only for incidental after-hours clerical, administrative, or professional work brought home from an off-premises place of work.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (b) Allowable Activities / (5) Address of Convenience**

**(5) *Address of Convenience***

Activity confined to receipt of mail and/or phone calls and the keeping of records in connection with any business or occupation.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (b) Allowable Activities / (6) Rooming and Real Estate Rental**

**(6) *Rooming and Real Estate Rental***

Provision of such rooming or boarding services or rental of a garage or other portion of the premises as may be permitted as an Accessory Use to a dwelling by City regulations.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (b) Allowable Activities / (7) Incidental Household Activities**

**(7) *Incidental Household Activities***

Incidental low-nuisance money-making activities of household residents other than yard sales, as defined herein, such as newspaper delivery, babysitting, children's lemonade stands, or occasional sale of personal possessions of residents.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (b) Allowable Activities / (8) Other Activities**

**(8) *Other Activities***

Only such other home occupation activities as conform to the requirements of this Section.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (c) Prohibited Activities**

**(c) *Prohibited Activities***

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (c) Prohibited Activities / (1) Industrial and Heavy Commercial**

**(1) *Industrial and Heavy Commercial***

A. Prohibited Uses

No business included in:

1. Use Group 16, Highway Commercial Uses, or Use Group 16C, Special Highway Commercial Uses, of Table 1130I, or

2. Any Use Group in Table 1130J, Industrial Use Groups shall not be permitted as

a home occupation except as provided in (c)(1)B.

B. Exceptions

The following are permitted as home occupations subject to all other provisions herein.

1. Business machine sales
2. Computer sales
3. Lawn care services
4. Pet grooming and veterinary offices, excluding kennels or animal boarding
5. Repair shops
6. Studios, art, music, craft, interior design, or photography.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (c) Prohibited Activities / (2) Heavy and Night Traffic**

**(2) *Heavy and Night Traffic***

A. Number of Visits

Home occupations that generate more than 6 trips per day by customers, clients, or suppliers to the premises are prohibited.

B. Hours of Visits

Home occupations shall allow visits to the premises by customers, clients, or suppliers only between the hours of 8 AM and 6 PM.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (c) Prohibited Activities / (3) Larger Employers**

**(3) *Larger Employers***

Not more than 2 people who are not residents of the premises shall work on the premises for the home occupation, whether as employees or as independent contractors.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (c) Prohibited Activities / (4) Garages & Accessory Structures**

**(4) *Garages & Accessory Structures***

The conduct of a home occupation in an attached or detached garage or any accessory structure is prohibited unless a Conditional Use has been approved therefor.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (c) Prohibited Activities / (5) Previously Legal Occupations**

**(5) *Previously Legal Occupations***

The continuation after the date of effect of this Code of a home occupation prohibited hereunder but permitted under the Zoning Code in effect immediately prior to such date is prohibited and shall not constitute a legal Nonconformity.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (c) Prohibited Activities / (6) Other Prohibited Activities**

**(6) *Other Prohibited Activities***

Home occupation activities that do not conform to all requirements of this section are prohibited.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (d) Traffic**

**(d) *Traffic***

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (d) Traffic / (1) Volume**

**(1) *Volume***

Pedestrian or vehicular traffic volumes at or near the property attributable in the judgment of the Building Commissioner to the customers, employees, suppliers, or any operation of the home occupation shall not perceptibly exceed that level that would be commonly found at the applicable time of day without the home occupation.

The Building Commissioner may use a comparison with other residential uses in the vicinity to make this determination.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (d) Traffic / (2) Type**



(2) *Type*

Home occupations shall not include any business that involves regular use of types or sizes of commercial vehicles to service the premises that do not normally serve residential areas with comparable frequency.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (e) Parking**

**(e) Parking**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (e) Parking / (1) Required Spaces**

**(1) *Required Spaces***

Off-street parking shall be provided for home occupations as provided in Table 1210C.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (e) Parking / (2) Number of Vehicles**

**(2) *Number of Vehicles***

The number of motor vehicles parked on or near the property resulting from the home occupation shall not exceed the number that in the judgment of the Building Commissioner would be commonly found at the applicable time of day without the home occupation. The Commissioner may use a comparison with other residential uses in the vicinity to make this determination.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (e) Parking / (3) Parking in Street Yards**

**(3) *Parking in Street Yards***

Parking for home occupations, whether required or voluntarily provided, shall not be located in an actual front or corner side yard.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (e) Parking / (4) Commercial and Inoperable Vehicles**

**(4) *Commercial and Inoperable Vehicles***

Parking or storage of commercial vehicles in connection with a home occupation shall

conform to division 1210.05(a)(2).

Parking or storage of dismantled or inoperable vehicles, as defined herein, shall conform to divisions 1210.05(c) and (d).

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (f) Outdoor Activity and Display**

**(f) Outdoor Activity and Display**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (f) Outdoor Activity and Display / (1) Incidental Activity**

**(1) Incidental Activity**

Conduct of home occupations may include incidental and occasional activity outside of structures, such as for day care services.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (f) Outdoor Activity and Display / (2) Screening**

**(2) Screening**

Areas utilized for outdoor activity on a regular basis shall be located in rear yards and shall be screened on any side thereof that is located 20 feet or less from a lot line bordering another lot in a Residential District.

Screening shall be by a Screen Barrier as provided in Table 1220B and shall comply with the fence regulations of Section 1250.07.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (f) Outdoor Activity and Display / (3) Nuisances**

**(3) Nuisances**

No noise or other effect of either occasional or regular outdoor activity upon other residences, other lots, or public streets shall be produced that constitutes a nuisance.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (f) Outdoor Activity and Display / (4) Outdoor Storage**

**(4) Outdoor Storage**

There shall be no outdoor storage or display of merchandise, machinery, tools, parts, or other objects or materials except those commonly associated with residential uses without home occupations, such as lawn mowers, gardening supplies, or recreation equipment.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (f) Outdoor Activity and Display / (5) Enclosed Structures**

**(5) *Enclosed Structures***

Except as otherwise provided herein, home occupations shall be conducted entirely within such enclosed structures as are allowed in the applicable district for residential uses and Accessory Uses thereto.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (f) Outdoor Activity and Display / (6) Signs**

**(6) *Signs***

No additional signs or related displays are permitted for home occupations beyond those allowed in Chapter 1230 for residential uses without home occupations.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (f) Outdoor Activity and Display / (7) Yard Sales**

**(7) *Yard Sales***

Yard sales shall conform to 1310.04(a).

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (f) Outdoor Activity and Display / (8) Appearance Change**

**(8) *Appearance Change***

There shall be no substantial change in the exterior appearance of the premises attributable to the home occupation except as specifically permitted hereunder.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (g) Hazards**

**(g) Hazards**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01  
Home Occupations / (g) Hazards / (1) Electrical and Fire  
*(1) Electrical and Fire***

No home occupation shall involve construction features or the use of electrical or mechanical equipment that would result in electrical interference or fluctuation in line voltage outside the dwelling or change the fire rating of the structure or of the fire district.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01  
Home Occupations / (g) Hazards / (2) Hazardous Materials  
*(2) Hazardous Materials***

No highly explosive or combustible material or substance producing hazardous emissions shall be used or stored on the premises except materials and quantities thereof that are commonly associated with, and permitted by City regulations for, residential use.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01  
Home Occupations / (g) Hazards / (3) Waste Discharges  
*(3) Waste Discharges***

No home occupation shall introduce into the sanitary sewer system any substance that in the judgment of the Service Director would adversely affect the system or would violate any local, state, or federal law or regulation.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01  
Home Occupations / (h) Building Alterations**

**(h) Building Alterations**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01  
Home Occupations / (h) Building Alterations / (1) Separate Entrance  
*(1) Separate Entrance***

A separate exterior building entrance for the home occupation may be added.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01  
Home Occupations / (h) Building Alterations / (2) Suitability for Residential Use**

*(2) Suitability for Residential Use*

No Building Permit shall be issued for any external or internal alteration to a dwelling to accommodate a home occupation that would render the premises when vacated no longer suitable for residential use.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (i) Environmental Effects**

**(i) Environmental Effects**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (i) Environmental Effects / (1) No Perceptible Effects**

*(1) No Perceptible Effects*

Except as otherwise specifically permitted or required herein, there shall result from the conduct of the home occupation none of the environmental effects specified in division (i)(2) that is clearly visible, audible, or otherwise perceptible by the average person under typical conditions from:

- A. a location outside the lot or building site in which the occupation is conducted, in the case of a single-family detached or attached dwelling, or
- B. a location outside the dwelling unit in which the occupation is conducted, for all other dwellings.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (i) Environmental Effects / (2) Applicable Effects**

*(2) Applicable Effects*

The effects to which division (i)(1) shall apply are:

- A. noise, or
- B. fumes, or
- C. dust, or
- D. vibration, or
- E. heat, or

F. odor, or

G. glare, or

H. other adverse environmental effects.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.01 Home Occupations / (i) Environmental Effects / (3) Exceptions**

***(3) Exceptions***

Any effect listed in division (i)(2) is permitted if it is of a nature or degree that is in the judgment of the Building Commissioner commonly associated at the applicable time of day with residential uses without home occupations that are permitted in the applicable zoning district.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02 Single- and Two-Family Detached Dwellings**

**1250.02 Single- and Two-Family Detached Dwellings**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02 Single- and Two-Family Detached Dwellings / (a) Applicability**

***(a) Applicability***

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02 Single- and Two-Family Detached Dwellings / (a) Applicability / (1) Permanent Dwellings**

***(1) Permanent Dwellings***

The standards of this section shall apply to all permanent single- and two-family detached dwellings, as defined herein, except as provided in division (c).

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02 Single- and Two-Family Detached Dwellings / (a) Applicability / (2) Temporary Dwellings**

***(2) Temporary Dwellings***

Single- and two-family dwellings of any kind that do not conform to applicable regulations may be allowed as Temporary Uses for interim or emergency housing under provisions for Temporary Uses

in division 1310.04(a). Appli-cability of the provisions of this chapter to such temporary dwellings shall be as provided in that division.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02 Single- and Two-Family Detached Dwellings / (b) Standards**

**(b) Standards**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02 Single- and Two-Family Detached Dwellings / (b) Standards / (1) Foundation**

***(1) Foundation***

The dwelling shall be permanently set on a properly engineered solid, enclosed foundation. Such foundation shall conform to the City Building Code or, in the case of a manufactured home, as defined herein, to ANSI A225.1, Standards for Manufactured Home Installations, or the manufacturer's recommended installation standards.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02 Single- and Two-Family Detached Dwellings / (b) Standards / (2) Exterior Walls**

***(2) Exterior Walls***

The material covering all exterior walls shall be, or be in the judgment of the Planning

Director equivalent in appearance to, wood, stucco, brick, stone, or residential horizontal vinyl or aluminum lap siding having the appearance of residential wood siding, or other materials commonly found on dwellings located on individual lots in the City, or in other cities in Ohio or other northern states. No material having a metallic appearance shall be used as exterior wall covering.

Wall siding shall extend either to the ground or to the top of a perimeter wall of concrete, masonry, or other material approved by the Planning Director.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02 Single- and Two-Family Detached Dwellings / (b) Standards / (3) Roofs**

***(3) Roofs***

**A. Slope**

The roof shall be pitched at not less than 1 foot of rise per 4 feet of horizontal run except:

1. over porches or attached garages or carports, or
2. where the Planning Director determines that dwellings located on individual lots having flat roofs are found in the environs.

**B. Material**

Roofing material shall be of tile; shingles made of fiberglass, shake, or asphalt; or another substance that is, or that the Planning Director judges equivalent in appearance to, a type of material that he or she determines to be commonly found on dwellings located on individual lots in the City.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02 Single- and Two-Family Detached Dwellings / (b) Standards / (4) Orientation**

***(4) Orientation***

The longest dimension of the dwelling shall face the street unless the Planning Director determines that dwellings located on individual lots with the proposed alternative orientation are common in the environs.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02 Single- and Two-Family Detached Dwellings / (b) Standards / (5) Floor Level**

***(5) Floor Level***

The lowest level of the finish first story floor shall not be over 2 feet above the exterior finish grade of the lot at the front building line unless, because of architectural style, topography, or other factor, the Planning Director determines that greater elevations are common among dwellings located on individual lots in the environs.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02 Single- and Two-Family Detached Dwellings / (b) Standards / (6) Minimum Width**

***(6) Minimum Width***

The width of the narrowest portion of the main body of the dwelling shall be not less than 20 feet unless there are 5 or more narrower dwellings on individual lots within 1/4 mile of the lot.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02 Single- and Two-Family Detached Dwellings / (b) Standards / (7) Visible Appurtenances**



*(7) Visible Appurtenances*

No wheels, axles, towing mechanism, undercarriage, frame, or chassis of the dwelling, if any, shall be visible from outside the lot lines.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02 Single- and Two-Family Detached Dwellings / (b) Standards / (8) Storage Area and Garages**  
*(8) Storage Area and Garages*

If there are less than 1,200 square feet of floor area per dwelling unit, there shall be provided, for exclusive use of each dwelling, area(s) for storage in basement, cellar, and/or closet areas or in a separate structure. The storage area(s) shall equal or exceed the lesser of 100 square feet or 10 percent of the floor area of the remainder of the dwelling.

Garages shall be required for all new single-and two-family structures. Structures under 1,500 square feet shall require a 300 square foot garage; structures over 1,500 square feet shall require at least a 400 square foot garage.

Separate storage buildings shall conform to all City building and development regulations applicable to such structures.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02 Single- and Two-Family Detached Dwellings / (b) Standards / (9) Building Regulations**  
*(9) Building Regulations*

The dwelling shall conform to the requirements of the Barberton Building Code or, if the dwelling is a HUD Code manufactured home, as defined herein, to the HUD Code, as also defined herein. Any additions to the dwelling shall conform to the applicable Code.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02 Single- and Two-Family Detached Dwellings / (c) Exceptions**

**(c) Exceptions**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02 Single- and Two-Family Detached Dwellings / (c) Exceptions / (1) RS-32 District**  
*(1) RS-32 District*

The requirements of this section shall not apply to subdivisions, site condominiums, site

cooperatives, or land-lease developments in the RS-32 District or to manufactured home parks where permitted by district regulations.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02  
Single- and Two-Family Detached Dwellings / (c) Exceptions / (2) Roof Slope and Orientation  
*(2) Roof Slope and Orientation***

The Planning Commission may approve as a Special Exception departures on individual lots from the standards herein governing roof slope, roof material, and orientation if it finds that doing so will make possible innovations in land planning and design to take advantage of attractive views, to further energy conservation, or to provide a desirable diversity in housing appearance.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02  
Single- and Two-Family Detached Dwellings / (c) Exceptions / (3) New Developments  
*(3) New Developments***

The Planning Director shall determine that a specified characteristic is common in the environs of a lot or building site if such lot or site is proposed as part of a new contiguous development in which no fewer than 25 lots or building sites will have dwellings that exhibit such characteristic. In the case of a phased development, this requirement shall apply to the applicable phase.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.02  
Single- and Two-Family Detached Dwellings / (c) Exceptions / (4) Planning Director  
Determinations  
*(4) Planning Director Determinations***

Any determination by the Planning Director made under this Section to decide the applicability of an exception shall be based on written Findings of Fact and may be ap-pealed as provided in division 1310.03(c).

(Ord. 49-2001. Passed 4-23-01.)

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.03  
Zero Lot Line**

**1250.03 Zero Lot Line**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.03  
Zero Lot Line / (a) Purpose**

**(a) Purpose**

This provision is intended to allow more usable and more easily maintained open spaces on residential and other lots while also protecting privacy and assuring light, air, and safety.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.03  
Zero Lot Line / (b) Yard Reconfiguration**

**(b) Yard Reconfiguration**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.03  
Zero Lot Line / (b) Yard Reconfiguration / (1) Elimination of Yard**

***(1) Elimination of Yard***

Subject to the restrictions of this section, the required width or depth of a yard may be reduced to between 0.1 feet and zero on lots accommodating detached principal residential or non-residential buildings.

A yard so reduced shall be referred to as a zero yard herein. An exterior wall of a principal building abutting a zero yard shall be referred to as a lot line wall.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.03  
Zero Lot Line / (b) Yard Reconfiguration / (2) Prohibited Zero Yards**

***(2) Prohibited Zero Yards***

The following yards shall not be zero yards but shall meet the requirements of the district:

- A. a front or corner side yard
- B. a yard that abuts an alley
- C. a yard that abuts a lot having conventional siting with no zero yard unless such lot conforms to division (c)(4)
- D. a yard that abuts a zero yard on an adjacent lot.

Building siting disallowed under division (b)(2)D is allowed without zero lot line siting in the C-D

District and as single-family attached dwellings in RA and RM Districts.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.03  
Zero Lot Line / (b) Yard Reconfiguration / (3) Enlargement of Opposite Yards**

***(3) Enlargement of Opposite Yards***

If an interior side yard is a zero yard, the remaining interior or corner side yard on the lot shall have a minimum width equal to the sum of the normally required widths of both side yards.

If a rear yard is a zero yard, the front yard on the lot shall have a minimum depth equal to the sum of the normally required depths of both the front and rear yards.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.03  
Zero Lot Line / (c) Other Regulations**

**(c) Other Regulations**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.03  
Zero Lot Line / (c) Other Regulations / (1) Wall Openings**

***(1) Wall Openings***

No window, door, ventilator fan, air conditioning unit, or other opening shall be located on a lot line wall or in a portion of a pitched or mansard roof above a lot line wall.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.03  
Zero Lot Line / (c) Other Regulations / (2) Required Easement**

***(2) Required Easement***

A perpetual easement shall be provided in every yard that abuts a lot line wall on an abutting lot.

The easement shall be in favor of the owner of the abutting lot. It shall allow encroachment of building projections and storm water drainage as provided herein as well as access for purposes of maintenance or repair of the lot line wall or for use by fire fighting equipment.

The easement shall be no less than 5 feet in width. It shall extend along the lot line from the street to the far end of the lot line wall.

The easement shall be shown on the recorded plat and incorporated into each deed transferring title to the property. Approval of such easement by the Director of Law and proof of its recording shall

be submitted to the Building Commissioner prior to issuance of a Building Permit.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.03  
Zero Lot Line / (c) Other Regulations / (3) Encroachments**

***(3) Encroachments***

Within the easement required in division (c)(2), there shall be no obstruction otherwise permitted in the applicable yard by Chapter 1140 if in the judgment of the Building Commissioner it would impede access to the lot line wall for painting, cleaning, maintenance, repair, or emergency services.

Roof overhangs shall not project more than 1 foot into the easement on the abutting lot. The roof and gutters shall be so designed that water runoff is confined to the same lot and/or to the easement on the abutting lot.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.03  
Zero Lot Line / (c) Other Regulations / (4) Double-Size Yard**

***(4) Double-Size Yard***

A yard on a conventionally-sited lot that abuts a zero yard on an adjacent lot shall be at least twice the minimum yard width or depth required in the applicable zoning district. No zero yard shall be established on a lot unless the adjacent lot conforms to this provision.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.03  
Zero Lot Line / (c) Other Regulations / (5) Fire-Rated Construction**

***(5) Fire-Rated Construction***

Provisions adopted in Chapters 1402 and 1406 of the Codified Ordinances and established in the CABO One- and Two-Family Dwelling Code and Ohio Basic Building Code require fire-rated construction for an exterior wall a specified distance or less from a lot line. These provisions shall be varied as provided herein in the case of a lot line wall.

Such construction shall be required only if the distance between such wall and the nearest building wall on the adjacent lot is less than twice the distance from the lot line specified in the applicable Code.

**Please Note: To view the Zero Lot Line Graphic, see page  
1250-8 of the printed version of the Barberton Development**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells**

**1250.04 Oil and Gas Wells**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (a) Purpose**

**(a) Purpose**

This section is intended to allow oil and gas well drilling in a manner that is safe, environmentally sound, and compatible with land uses nearby.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (b) Environmental Protection**

**(b) Environmental Protection**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (b) Environmental Protection / (1) Protection of Water Supply**

***(1) Protection of Water Supply***

The operator shall seal all gas and oil wells to protect fresh water wells from salt water or other contamination in accordance with good practice.

Both the operator and his driller shall establish contingency plans for the immediate furnishing of potable water to affected residents for such period as may be required to re-establish potability of any contaminated well.

In case of contamination, the permittee and the driller shall be jointly and severally responsible for providing potable water, without cost to affected water users, including the cost of drilling new wells or any extension of City water service, including tap-in fees.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04**

**Oil and Gas Wells / (b) Environmental Protection / (2) Prohibited Drainage**

***(2) Prohibited Drainage***

No waste, sludge, water, or effluent of any kind from an oil or gas well shall be emptied or drained into any storm or sanitary sewer, lake, pond, or stream.

Sludge, water, and effluent shall not run off and pollute any area outside of the dike required in division (d)(2). Such wastes shall be removed from the site in trucks, tanks, or similar vehicles for disposal in suitably licensed and permitted sites.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (c) Site Development**

***(c) Site Development***

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (c) Site Development / (1) Access Roads**

***(1) Access Roads***

Access roads shall be no less than 12 feet in width. They shall be constructed and maintained in a manner that allows access by public safety vehicles under all climate conditions. The entry roadway shall be graveled.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (c) Site Development / (2) Screening**

***(2) Screening***

Screening shall be required around all well sites, tank batteries, and brine disposal sites as provided in Table 1220A. All screening shall be completed within 90 days after setting the storage tanks.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (c) Site Development / (3) Culverts**

***(3) Culverts***

The applicant shall install a culvert no less than 40 feet long as approved by the City Engineer at each entrance or exit to provide for a gravel cushion at road edge to prevent berm and roadway destruction.

A steel culvert pipe, a minimum of 30 feet in length, shall be put in the drainage swale for access to the well site.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (c) Site Development / (4) Pipelines**

***(4) Pipelines***

Off-site pipelines serving the drill site shall be buried at least 3 feet below ground.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (c) Site Development / (5) Fencing**

***(5) Fencing***

**A. Around Drilling Site**

The permittee shall maintain a fence around the drilling site in accordance with good oil field practices.

**B. Around Equipment**

All well pumps, tank batteries, separators, temporary holding pits, and all other installations of equipment used at oil well installations shall be surrounded by a fence.

The fence shall be a minimum of 8 feet high and of a design and material specified by the Planning Commission, with locking gates.

It shall be maintained in a state of repair satisfactory to the Building Commissioner.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (d) Storage Tanks**

***(d) Storage Tanks***

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (d) Storage Tanks / (1) Grouping**

***(1) Grouping***

Where more than one well is to be drilled, storage tanks for all wells shall be grouped together.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04**



**Oil and Gas Wells / (d) Storage Tanks / (2) Diking**

***(2) Diking***

All oil well storage tanks or groups of tanks shall be diked, or other suitable measures shall be taken to prevent discharge of liquid from endangering adjoining property or reaching waterways.

All dikes shall be constructed of earth, clay, steel, masonry, or reinforced concrete so constructed as to be watertight and shall be properly reinforced and have footings below the frost line.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04**

**Oil and Gas Wells / (d) Storage Tanks / (3) Pits**

***(3) Pits***

All pits used for storage or disposal of sludge or lime shall be lined with plastic or comparable material to prevent leaching and shall be of sufficient size to contain all effluents.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04**

**Oil and Gas Wells / (e) Equipment**

***(e) Equipment***

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04**

**Oil and Gas Wells / (e) Equipment / (1) Rotary Equipment**

***(1) Rotary Equipment***

The preparation used in wells drilled with rotary equipment shall be capable of preventing blowouts and flows of salt or fresh water in accordance with good practices.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04**

**Oil and Gas Wells / (e) Equipment / (2) Cable Tools**

***(2) Cable Tools***

Wells drilled with cable tools shall have the innermost string of casing equipped with a high pressure master gate valve and control head and oil saver securely anchored by con-crete prior to drilling any formation likely to contain oil or gas.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04**

**Oil and Gas Wells / (e) Equipment / (3) Condition of Equipment**

*(3) Condition of Equipment*

Equipment used shall be in good condition.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (e) Equipment / (4) Electric Well Pumps**

*(4) Electric Well Pumps*

**A. Motors**

All well pumps shall be operated by explosion-proof electric motors only unless otherwise approved by the Building Commissioner.

**B. Locks**

Locking devices used on all gates, valves, or other secured apparatus in conjunction with any well or tank battery operated by a permittee shall be keyed alike so that one key will provide access to any such secured apparatus.

A copy of such key shall be provided to the Barberton Fire Department and Police Department.

**C. Painting of Shut-Off Valves**

All shut-off valves shall be painted a conspicuous common color.

**D. Conduit**

Electrical underground power service in schedule 40 plastic conduit buried to a minimum 24 inches is required.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (e) Equipment / (5) Training of Crews**

*(5) Training of Crews*

All crews shall be trained in the operation of the blowout preventer, control head and related equipment.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (f) Operations**

**(f) Operations**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (f) Operations / (1) Noise**

***(1) Noise***

Drilling operations shall be controlled by double exhausts or other means so that the noise level of drilling does not at any time exceed 75 db(A) at any point within a 500-foot radius.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (f) Operations / (2) Lighting**

***(2) Lighting***

No lighting during drilling or on a producing well shall constitute a nuisance to surrounding properties.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (f) Operations / (3) Routing of Trucks**

***(3) Routing of Trucks***

No vehicle transporting brine or crude oil derived from oil or gas wells in the City shall travel over segments of minor streets that pass through predominantly residential areas.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (f) Operations / (4) Mud on Site or Streets**

***(4) Mud on Site or Streets***

All permittees shall keep the area around the drilling site free of mud that could be carried onto public streets by any vehicle or other equipment used.

Should any mud be carried onto public streets from a drilling site, the permittee shall clean up the public streets to the satisfaction of the Building Commissioner.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (g) Brine Hauling and Disposal**

**(g) Brine Hauling and Disposal**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (g) Brine Hauling and Disposal / (1) Prohibited Disposal  
(1) *Prohibited Disposal***

The following methods of brine disposal are prohibited:

- A. annular disposal
- B. earthen pit storage (sludge and holding pits) during the drilling process or the production life of the well
- C. road application or any other surface application
- D. deep well injection.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (g) Brine Hauling and Disposal / (2) Hauling  
(2) *Hauling***

**A. Permit**

Any person owning or leasing a truck for the purpose of hauling brine from oil or gas wells within the City shall secure an annual permit issued by the Safety Director.

A fee shall be charged for the permit and each renewal thereof in an amount determined from time to time by City Council.

**B. Manifest**

Each truck hauling brine from an oil or gas well shall maintain a cumulative manifest one calendar year in duration.

The manifest shall include the following information on each load of brine hauled:

1. source of brine collected
2. volume of brine collected
3. time of day brine collected
4. disposal site of brine
5. time of day brine disposed of.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (h) Abandoned Wells**

**(h) Abandoned Wells**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (h) Abandoned Wells / (1) Notification**

**(1) Notification**

The owner or lessee of a well or deep well injection site shall notify the Safety Director of proposed abandonment before the well has been abandoned and the equipment removed.

A well shall be considered abandoned when it is in a condition in which it is incapable of functioning for 30 consecutive days.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (h) Abandoned Wells / (2) Pulling and Plugging**

**(2) Pulling and Plugging**

All permittees shall be required to pull and/or plug a well site upon abandonment, to remove all above-ground appurtenances, and to return the ground to its original grade and condition.

Any other rules or regulations promulgated by any department or division of the state relative to pulling, plugging, and abandoning oil or gas wells shall also be complied with.

All such efforts shall be completed within 6 months of abandonment.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (h) Abandoned Wells / (3) Preservation of Landscaping**

**(3) Preservation of Landscaping**

Landscaping shall be preserved at the time of abandonment.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (i) Other Regulations**

**(i) Other Regulations**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (i) Other Regulations / (1) Maintenance**

**(1) Maintenance**

The well site shall be maintained in the manner approved in the Conditional Use Permit required in Chapter 1130.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (i) Other Regulations / (2) Site Clean-Up**

**(2) Site Clean-Up**

Immediately upon completion of drilling, the permittee shall restore to their former condition streets, sidewalks, and other public places damaged or destroyed in the operation of drilling or preparing to drill.

The permittee shall clear the area of all litter, rubbish, machinery, derricks, buildings, oil, or other substances used in drilling or producing operations.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (i) Other Regulations / (3) Construction Near Wells or Tanks**

**(3) Construction Near Wells or Tanks**

No Building Permit shall be issued for the construction of any building designed for human occupancy or use located:

- A. within 100 feet of any oil or gas well until such time as the well has been plugged, or
- B. within 100 feet of any oil or gas well storage tank.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (i) Other Regulations / (4) Drilling of New Wells**

**(4) Drilling of New Wells**

No well shall be drilled nearer than 200 feet to any building designed for human occupancy.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04**

**Oil and Gas Wells / (j) Administration**

**(j) Administration**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (j) Administration / (1) Site Plan**

***(1) Site Plan***

A Site Plan of the well area shall be submitted with the application for a Conditional Use Permit. It shall include all information specified by the Planning Director in consultation with the City Engineer.

Wells, tank batteries, and access roads shall be located as shown on the approved Plan.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (j) Administration / (2) Required Information**

***(2) Required Information***

**A. For Producing Wells**

An applicant who has realized a producing well shall submit to the Planning Department:

1. copies of easements or options for easements for any pipeline crossing property in another ownership, and
2. a copy of an agreement or option for any storage tank to be located on a property in another ownership.

**B. State Permit**

No Conditional Use Permit shall be issued until the applicant presents evidence of having obtained a permit from the Ohio Department of Natural Resources, Division of Oil and Gas, bearing a current date.

**C. Emergency Contacts**

The name, address, and telephone number of the persons responsible for the ownership, operation, and all maintenance of each producing well

shall be furnished to the Service Director and Safety Director in order that some responsible person may be reached at any time in the event of an emergency.

**D. Subcontractors**

The applicant shall provide names, addresses, and telephone numbers of all subcontractors, including the brine disposal subcontractor.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (j) Administration / (3) Financial Guarantee  
(3) *Financial Guarantee***

Prior to the issuance of a Conditional Use Permit for an oil or gas well, each applicant shall deposit with the Service Director a financial guarantee conforming to Section 1350.02 to guarantee compliance with all provisions of this section.

The amount of the guarantee shall be not less than \$5,000, plus \$20 for each foot of roadway required to obtain accessibility to the drill site if a road exist but is inaccessible. If no road exists, the amount shall be set by the Service Director.

The guarantee shall be held by the City until the well is abandoned and all equipment is removed and the well is sealed. Release shall be conditional upon compliance with this section by the operator and any assignee, employee, contractor, subcontractor, or other party performing services in connection with the Permit. The guarantee shall be released when wells and tank batteries have been removed and premises restored to pre-drilling conditions as determined by the Service Director.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (j) Administration / (4) Liability  
(4) *Liability***

The permittee shall hold the City harmless from all liability resulting from the granting of a Permit hereunder.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (j) Administration / (5) Insurance  
(5) *Insurance***

Prior to the issuance of a Conditional Use Permit for the drilling of an oil or gas well, the applicant shall provide the City with a policy or certificate of insurance covering the applicant's liability in an amount of not less than \$500,000 property damage and not less than \$1,000,000 personal injury.

All insurance policies shall include coverage for all items specified in this section including blowout and cratering.



**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.04  
Oil and Gas Wells / (j) Administration / (6) Inspection**

***(6) Inspection***

Duly authorized representatives of the City-including the Planning, Service, and Safety Directors, Building Commissioner, and Fire Chief--shall have authority at any time to enter property where a well is contemplated, being drilled, or producing for the purpose of inspecting the site, equipment, and all other items necessary to ensure compliance with this section.

(Ord. 148-1995. Passed 12-11-95; Ord. 87-1999. Passed 5-24-99.)

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.05  
Junk Yards**

**1250.05 Junk Yards**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.05  
Junk Yards / (a) Junk Yards Prohibited**

***(a) Junk Yards Prohibited***

Junk and wrecking yards are prohibited within the City of Barberton.

The provisions of this section shall apply to existing legal junk and wrecking yards as provided in Chapter 1340, Nonconformities.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.05  
Junk Yards / (b) Setbacks**

***(b) Setbacks***

To provide access for fire fighting equipment and create fire breaks, piles of junk, salvage, or stored material shall be set back no less than the following distances:

From buildings: 30 feet

From processing machinery: 50 feet

From screening: 10 feet.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.05  
Junk Yards / (c) Location**

**(c) Location**

Junk and wrecking yards shall be located only on arterial or collector streets or minor streets that predominantly serve industrial uses.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.05  
Junk Yards / (d) Screening**

**(d) Screening**

Junk and wrecking yards shall be screened as provided in Table 1220B.

No junk, salvage, or stored material shall be placed outside of required screening.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.05  
Junk Yards / (e) Other Regulations**

**(e) Other Regulations**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.05  
Junk Yards / (e) Other Regulations / (1) Tire Storage**

***(1) Tire Storage***

To prevent standing water, salvage or stored tires shall be stored under roof.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.05  
Junk Yards / (e) Other Regulations / (2) Burning**

***(2) Burning***

No oil, grease, gasoline, tires, or similar materials shall be burned within a junk or wrecking yard, and no material that can be ignited by an ordinary match shall be placed less than 10 feet from a screening either required by Table 1220B or provided voluntarily. All other burning shall conform to applicable regulations.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.05  
Junk Yards / (e) Other Regulations / (3) Height of Pile**

***(3) Height of Pile***

A pile of junk, salvage, or stored material shall not exceed 10 feet in fence height, as defined herein, on any lot abutting a Residential District.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.05  
Junk Yards / (e) Other Regulations / (4) Maintenance**

***(4) Maintenance***

Junk and wrecking yards shall be maintained in a clean and sanitary condition free from rats, vermin, and other vectors.

All improvements shall be maintained in a good state of repair.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.06  
Satellite Dish Antennas**

**1250.06 Satellite Dish Antennas**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.06  
Satellite Dish Antennas / (a) Purpose**

***(a) Purpose***

The purpose of the regulations herein is to provide special controls on satellite dish antennas not applicable to other antennas or to Accessory Uses generally because of the following special characteristics of dish antennas:

(1) Dish antennas are bulkier and more opaque than other antennas and than many other accessory uses, giving them greater potential to block views, impair security, hinder utility or emergency access, pose safety hazards in high wind conditions, and accumulate weeds and debris underneath.

(2) Dish antennas can appeal to children as play areas in ways not characteristic of other antennas or accessory uses.

(3) Experience in other communities suggests that dish antennas tend to be more visually

objectionable to neighbors than other antennas and many other accessory uses.

The regulations in this section are intended to mitigate these problems while also freely allowing satellite communication and permitting City residents and businesses a free choice between cable and satellite television services.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.06  
Satellite Dish Antennas / (b) Location**

**(b) Location**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.06  
Satellite Dish Antennas / (b) Location / (1) Obstruction of Reception Window**

*(1) Obstruction of Reception Window*

To avoid the expense and inconvenience of relocating a dish antenna, such antennas shall to the extent possible be initially sited in a location that will assure a reception window unobstructed by such development on nearby lots as is allowed under City regulations.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.06  
Satellite Dish Antennas / (b) Location / (2) Other Location Standards**

*(2) Other Location Standards*

Dish antennas shall conform to the other location standards of Table 1250A.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.06  
Satellite Dish Antennas / (c) Screening**

**(c) Screening**

Both ground and roof-mounted antennas shall be screened as provided in Table 1220B.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.06  
Satellite Dish Antennas / (d) Other Regulations**

**(d) Other Regulations**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.06**

**Satellite Dish Antennas / (d) Other Regulations / (1) Permanent Mounting**

***(1) Permanent Mounting***

Dish antennas shall be permanently mounted and grounded in accordance with the manufacturer's specifications. Portable or trailer-mounted antennas may be used for on-site testing or demonstrations for no more than 2 consecutive days and no more than 15 days per calendar year.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.06**

**Satellite Dish Antennas / (d) Other Regulations / (2) Signs and Graphics**

***(2) Signs and Graphics***

No sign as defined herein--except for a single sign a maximum of 0.5 square feet that may identify the antenna manufacturer or provide other information--shall be displayed on any dish antenna except as meets the requirements of Chapter 1230.

No graphic or art work shall be displayed on the antenna except as a permitted sign.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.06**

**Satellite Dish Antennas / (d) Other Regulations / (3) Wind Load**

***(3) Wind Load***

Dish antennas shall support without guy wires a wind load of 85 mph if mounted on a roof and 75 mph if mounted elsewhere.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.06**

**Satellite Dish Antennas / (d) Other Regulations / (4) Accessory Use Rules Applicable**

***(4) Accessory Use Rules Applicable***

Except where this section establishes an additional or a more restrictive requirement, dish antennas shall be subject to the regulations on accessory uses and structures in Chapter 1140.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.06**

**Satellite Dish Antennas / (d) Other Regulations / (5) Maintenance**

***(5) Maintenance***

The owner and user of a dish antenna shall be jointly and severally responsible for maintaining the antenna, its appurtenances, and its screening in good condition and neat appearance. Grass and other vegetation beneath and immediately around the antenna shall be trimmed and debris removed

frequently enough to avoid an unsightly appearance.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.06  
Satellite Dish Antennas / (d) Other Regulations / (6) Other Codes Applicable  
(6) Other Codes Applicable**

Dish antennas shall conform to applicable provisions of the City Building Code. Electrical installations and grounding of dish antennas shall conform to the Electrical Code.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.06  
Satellite Dish Antennas / (d) Other Regulations / (7) Other Requirements  
(7) Other Requirements**

Dish antennas shall conform to all requirements of Table 1250A.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.06  
Satellite Dish Antennas / (e) Administration**

**(e) Administration**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.06  
Satellite Dish Antennas / (e) Administration / (1) Exceptions  
(1) Exceptions**

The Planning Commission shall approve or conditionally approve a Special Exception to any provision of this section if it makes a finding of fact based on evidence presented by the applicant that either of the following Approval Criteria apply.

**A. Necessary for Communication**

The Exception is necessary to allow adequate reception or transmission of signals through the antenna, and there are no reasonable alternative measures not requiring an exception that would allow such reception or transmission.

**B. Necessary to Avoid Undue Costs**

The Exception is necessary because without it the regulations would impose on the owner costs that are excessive in relation to the cost of purchase and installation of the antenna.

The Commission shall approve only the smallest Exception necessary to conform to the

foregoing Criteria. Any conditions to which an approval is made subject shall be only those reasonably necessary to mitigate the impact of allowing the Exception and shall not be in conflict with either of the Approval Criteria.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.06  
Satellite Dish Antennas / (e) Administration / (2) Permits**

**(2) Permits**

**A. Permit Required**

No dish antenna shall be installed before a permit has been issued by the Building Commissioner.

He or she shall determine that the proposed dish antenna will comply with all City regulations applicable to dish antennas before issuing a permit.

**B. Contents of Permit Application**

An application for a permit for a dish antenna shall include the following information:

1. Name, address, and telephone number of:
  - a. The antenna owner, and
  - b. The party that will install the an-tenna, if different from the owner
2. Address of the property where the antenna is to be installed
3. Written consent for antenna installation from the owner of the property on which the installation is proposed, if the antenna owner and property owner are different
4. Description of:
  - a. the kind of antenna proposed (transmitting or receiving)
  - b. the kinds of transmissions (video, voice, data, etc.) it will be used for
  - c. the proposed location of the antenna on the property
  - d. the proposed anchoring and grounding of the antenna
  - e. the proposed screening, as required hereunder, and, for any reduction in required screening height under note [k] of Table 1220B, a de-scription of the reception window that justifies such reduction

- f. the diameter of the reflector and proposed fence height of the antenna when installed
- 5. Any Electrical Permit required for the antenna
- 6. A permit fee as established by the City Council in an amount that is not disproportionate to the cost of antenna purchase and installation
- 7. Any other information reasonably required to determine compliance with applicable City regulations.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / Table 1250A: Standards for Satellite Dish Antennas**

**Table 1250A: Standards for Satellite Dish Antennas**

	Single- and Two-Family Residential and Townhouse Uses	All Other Uses
<u>Antenna Allowed as:</u>		
Video Transmitting Antennas:	Prohibited Use	Conditional Use
All Other Transmitting or Receiving Antennas:	Permitted Use, as Accessory Use only	Permitted Use, as Principal or Accessory Use
-----		
Maximum Number of Dish Antennas Per Lot:	1	No Maximum
-----		
<u>Permitted Locations:</u>		
Mounting Location:		
Up to 3 Feet Diameter:	Ground, Roof, or Building Projection	Ground, Roof, or Building Projection
All Other:	Ground	Ground or Roof
Yards [a]:	Rear	Rear, Interior Side,



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Maximum Dimensions:

Diameter:	12 feet	No maximum
Height [b]:		
Ground-mounted:	15 feet	Maximum building height [c]
Roof-mounted or Building Projection:	15 feet	Maximum building height [c]

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Minimum Setback:

From Lot Lines:

Adjacent to RS or RA District:	5 feet	10 feet
All Other Cases:	[d]	[d]
From Power Lines [e]:	8 feet	8 feet
From Utility Easements:	8 feet	8 feet

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[a] Actual yards, as defined herein

[b] Fence height, as defined herein.

[c] Maximum building height allowed in applicable district.

[d] Only the setback required for accessory structures in Chapter 1140.

[e] Vertical setback from overhead lines carrying over 250 volts.

## **1250.07 Fences**

### **Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (a) Purpose**

#### **(a) Purpose**

The regulations in this Section are intended to promote safety and security, protect neighborhood character and property values, and preserve the visual appearance of the City.

### **Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (b) Height and Opacity**

#### **(b) Height and Opacity**

All fences, as defined herein, in the City shall conform to the standards for height and opacity of Table 1250B.

### **Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (c) Location**

#### **(c) Location**

### **Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (c) Location / (1) On Easements**

#### ***(1) On Easements***

Fences may be located on easements at the fence owner's risk subject to the other requirements herein.

### **Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (c) Location / (2) Entirely Within Lot**

#### ***(2) Entirely Within Lot***

All parts of a fence must be fully inside property lines, except that gates may swing open over public sidewalks, alleys, and internal drives.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (d) Materials and Construction**

**(d) Materials and Construction**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (d) Materials and Construction / (1) Dangerous Fences**

***(1) Dangerous Fences***

No fence shall have an electric charge.

The barbs of a chain link fence shall face toward the ground.

Fences for industrial uses listed in Group 19 or Group 19C may have barbed wire on the top provided that:

A. no more than 3 strands of barbed wire are used, and

B. the lowest strand has a fence height of no less than 8 feet, and the vertical supports for the strands slant away from the nearest property line at an angle from the vertical of not less than 45 degrees if located less than 4 feet from a sidewalk, and

C. the fence is located on the inside of any Frontage Buffer or Transition Buffer required by Chapter 1220, Landscaping and Screening.

Fences with barbed wire that conform to the foregoing requirements may be approved for other uses as a Conditional Use under division 1310.03(b).

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (d) Materials and Construction / (2) Permitted Materials**

***(2) Permitted Materials***

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 or wrought 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

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.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07  
Fences / (d) Materials and Construction / (3) Prohibited Materials  
(3) *Prohibited Materials***

Fences shall not be made of or contain:

A. Chicken wire

B. Corrugated or sheet metal, except in Industrial Districts

C. Scrap materials

D. Fragile or readily flammable material such as cloth, canvas, or paper

E. Barbed wire, spikes, broken glass, or other materials intended or likely to cause bodily harm, except as per-mitted in division (d)(1) of this section

F. Materials not commonly used for fences or walls, except when approved as compatible with safety, sound construction, and appearance of the environs by the Planning Director.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07  
Fences / (e) Appearance**

**(e) Appearance**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (e) Appearance / (1) Uniform Color**

***(1) Uniform Color***

The entirety of each different material used in the construction of a fence shall display either its natural color(s) or shall be painted or stained a single tint or shade of a single color.

The Planning Director may approve an exception to this provision if he or she finds the particular fence colors proposed to be compatible with their environs.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (e) Appearance / (2) Ornamental Fences**

***(2) Ornamental Fences***

Only ornamental fences, as defined herein, shall be installed in actual front or actual corner side yards of residential uses located in any district.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (e) Appearance / (3) Finished Side Out**

***(3) Finished Side Out***

Except as otherwise provided in this Code, the finished side of a fence shall face the nearest lot line. Posts and supports shall face away from such line.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (f) Other Regulations**

**(f) Other Regulations**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (f) Other Regulations / (1) Residential Swimming Pool Fences**

***(1) Residential Swimming Pool Fences***

Fences shall be provided around residential swimming pools as provided in Table 1140B.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07  
Fences / (f) Other Regulations / (2) Vision Clearance Triangle  
(2) *Vision Clearance Triangle***

Fences shall conform to the provisions on Vision Clearance Triangle in division 1240.02(e)(8).

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07  
Fences / (f) Other Regulations / (3) Required Screening Fences  
(3) *Required Screening Fences***

Fences or equivalent screening shall be installed as required by Chapter 1220.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07  
Fences / (f) Other Regulations / (4) Railroad and Utility Security Fences  
(4) *Railroad and Utility Security Fences***

An open fence, as defined herein, that meets the requirements in Table 1250B for Recreation Fences may be installed for security purposes along a railroad right-of-way or yard or around a public or public utility structure.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07  
Fences / (f) Other Regulations / (5) Maintenance Required  
(5) *Maintenance Required***

The owner, occupant, or person in custody of a premises on which a fence is installed shall so maintain and repair the fence that it:

- A. does not encroach upon the property of others, and
- B. does not exist in a condition likely to collapse or to cause personal injury or damage to the property of others, and
- C. does not display rotting, rusted or corroded, or dented or damaged materials, dead vegetation, or worn or eroded ground cover or otherwise become unsightly and a blighting influence on the vicinity.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07  
Fences / (f) Other Regulations / (6) Temporary Fences**

*(6) Temporary Fences*

Fences that are Temporary Uses, such as construction fences, shall be governed by the provisions for Temporary Uses in division 1310.04(a) and shall not be subject to the provisions of this section.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (f) Other Regulations / (7) Distance From Building**

*(7) Distance From Building*

To allow passage and permit maintenance of both fences and building walls, no fence erected along a building wall on the same lot shall be installed closer than a horizontal distance of 3 feet at any point to such wall or any projection thereof.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (f) Other Regulations / (8) Signs on Fences**

*(8) Signs on Fences*

No sign shall be displayed upon a fence except:

A. a sign not exceeding 0.5 square feet in sign area, which may identify the vendor of the fence and/or provide other information, and

B. any other sign permitted by Chapter 1230, Sign Regulations.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (f) Other Regulations / (9) Impairment of Drainage**

*(9) Impairment of Drainage*

No fence shall adversely affect drainage or create or significantly aggravate runoff problems on abutting lots.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (f) Other Regulations / (10) Conflict With Screening Regulations**

*(10) Conflict With Screening Regulations*

In any case in which the regulations of this section and the provisions of Chapter 1220, Landscaping and Screening, conflict, the provisions of the latter shall govern.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07  
Fences / (g) Permit Process**

**(g) Permit Process**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07  
Fences / (g) Permit Process / (1) Permit Required**

***(1) Permit Required***

Except as exempted herein, no fence shall be installed before the Building Commissioner has issued a Building Permit therefor.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07  
Fences / (g) Permit Process / (2) Application Contents**

***(2) Application Contents***

An applicant for a Building Permit for a fence shall submit with the application:

A. Name, address, and telephone number of:

1. the fence owner, and
2. the party that will erect the fence, if different from the owner

B. Street address of the property where the fence is to be erected

C. Written consent for fence erection from the owner of the property on which the fence is to be erected, if fence owner and property owner are different

D. A plot plan showing the location and extent of the fence and the locations of gates in relation to all property lines and structures on the subject property.

E. Information disclosing:

1. The proposed fence height at all points upon installation, and
2. the ratio of the areas of the fence surface that are opaque and such areas that are open, and
3. the material(s) from which the fence is made and their color(s)

F. A permit fee in an amount established by City Council, and



G. Any other information required generally for Building Permits or otherwise reasonably required by the Building Commissioner to determine compliance with these and other applicable regulations.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.07 Fences / (g) Permit Process / (3) Exemptions from Permit**  
*(3) Exemptions from Permit*

No Permit shall be required hereunder for repairs or replacements for all or parts of a fence that do not cumulatively exceed 50 percent of the linear length of the fence during any twelve-month period. No Permit is required for a fence such as a construction fence that is a Temporary Use under division 1310.04(a).

(Ord. 51-2001. Passed 4-23-01.)

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / Table 1250B: Maximum Fence Height**

**Table 1250B: Maximum Fence Height**

	<u>Maximum Fence Height in Feet [a]</u>			
	<u>In Actual Front or Corner Side Yard</u>		<u>In Actual Rear or Interior Side Yard</u>	
	<u>Solid Fence</u>	<u>Open Fence</u>	<u>Solid Fence</u>	<u>Open Fence</u>
A. <u>Within Vision Clearance Triangle [b]:</u>	2.5	4.5	2.5	4.5
B. <u>In All Other Locations:</u>				
1. Industrial Uses	4.5	4.5	10	10
2. All Other Uses [c]	X	4.5	6.5	6.5
3. Recreation Fences	X	12	X	12

X=Prohibited

**Barberton Development Code**

[a] Except that along a lot line abutting a yard in a different lot where a less restricted fence height is permitted hereunder, maximum fence height for the use shall be the same as allowed in such abutting yard.

[b] As provided in Section 1240.02(e)(8).

[c] As provided in Section 1250.07(e)(2), only ornamental fences are permitted in actual front or actual corner side yards of residential uses located in any district.

The maximum fence height allowed for industrial uses shall also apply to a fence for any use along a lot line that abuts a railroad right-of-way.

A mixed solid and open fence may be a solid fence up to the maximum height allowed for a solid fence, but shall be an open fence above that height to the maximum height allowed for an open fence.

See also regulations for Vision Clearance Triangle in 1240.02(e)(8).

(Ord. 52-2001. Passed 4-23-01.)

**Please Note: To view the Maximum Fence Height Graphic, see page 1250-22 of the printed version of the Barberton Development Code**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.08 Open Sales Lots**

**1250.08 Open Sales Lots**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.08 Open Sales Lots / (a) Lot Dimensions**

**(a) Lot Dimensions**

Notwithstanding the provisions of Table 1110D, no open sales lot for motor vehicles, boats, trailers, and/or manufactured homes shall have lot dimensions less than the following:

Lot width                      100 feet

Lot area                      12,000 square feet.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities**

**1250.09 Wireless Telecommunication Facilities**

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (a) Purpose**

**(a) Purpose**

These regulations governing wireless telecommunication facilities are established to provide for the construction, erection, maintenance, extension and removal of such facilities in certain zoning districts in the City and are related to certain applications of technology and engineering in the field of wireless telecommunication. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996 (Public Law 104-104) and the interests of the City in regulating wireless telecommunication towers and related facilities for the following reasons:

- (1) To provide for orderly development within the City
- (2) To protect property values
- (3) To maintain the aesthetic appearance of the City, including, but not limited to, its residential character, unobstructed open spaces, and attractive commercial areas
- (4) To protect residential properties, parks, open spaces and the nonintensive commercial zoning districts which are characteristic of the City from the adverse effects of towers and related facilities
- (5) To promote collocation of wireless telecommunication facilities in order to decrease the total number of towers in the City
- (6) To provide for and protect the residents and visitors of the City.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (b) Definitions**

**(b) Definitions**

As used in this section:

- (1) "Collocation" means the use of a wireless telecommunication facility by more than one wireless telecommunication provider.
- (2) "Lattice tower" means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.
- (3) "Monopole" means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- (4) "Personal wireless services" means commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, as defined by Federal law at 47 U.S.C. Section 332(c)(7).
- (5) "Technically suitable" means that the location of a wireless telecommunication antenna reasonably serves the purpose for which it is intended within the bandwidth of frequencies for which the owner or operator of the antenna has been licensed by the FCC to operate without a significant loss of communication capability within developed areas of the City.
- (6) "Telecommunication(s)" means the technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or magnetic systems and includes the term "personal wireless services".
- (7) "Wireless telecommunication antenna" means the physical device through which electromagnetic, wireless telecommunication signals authorized by the Federal Communications Commission (FCC) are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
- (8) "Wireless telecommunication equipment shelter" means the structure or cabinet in which the electronic receiving and relay equipment for a wireless telecommunication facility is housed.
- (9) "Wireless telecommunication facility" means a facility consisting of the equipment, structures, and site improvements, i.e. fencing and landscaping, involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of personal wireless services.
- (10) "Wireless telecommunication tower" means any structure which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (c) Applicability**

**(c) Applicability**

No person shall construct, erect, maintain, extend, or remove a wireless telecommunication facility in the City without compliance with the provisions of this section.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection,  
Maintenance, Extension and Removal**

**(d) Minimum Standards for Construction, Erection, Maintenance, Extension and Removal**

All wireless telecommunication facilities shall comply with the following standards:

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection,  
Maintenance, Extension and Removal / (1) Use Regulations**

***(1) Use Regulations***

A. A wireless telecommunication tower may only be permitted as a conditional use in the following zoning districts: C-4 Highway Commercial District; I-1 Light Industrial District; I-2 Medium Industrial District; and I-3 telecommunication tower is not permitted in any other zoning district in the City

B. The installation of a wireless telecommunication antenna where the construction or erection of a tower is not proposed by the applicant shall be permitted as an accessory use on existing towers or on existing buildings or structures used for multi-family office, commercial, or industrial purposes, being a minimum of 5 stories in height from grade and where such towers, buildings or structures are located in the following zoning districts: all Multi-Family Residential Districts, all Office Districts, all Commercial Districts, and all Industrial Districts. To the extent the remaining standards of this subsection are applicable to the situation involving the installation of a wireless telecommunication antenna on an existing tower, building or structure, such standards shall govern the installation.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09**

**Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection, Maintenance, Extension and Removal / (2) Collocation**

***(2) Collocation***

A. All applicants for construction or erection of wireless telecommunication towers shall be required to construct the tower on a base tower structure and structure foundation that are designed to be buildable up to, but not including, 200 feet above grade. Such structure shall be designed to have sufficient structural loading capacity to accommodate at least 3 antenna platforms or antenna arrays of equal loading capacity for 3 separate providers of service to be located on the structure when constructed to the maximum allowable height. The wireless telecommunication facility shall also be designed to show that the applicant has enough space on its site plan for an equipment shelter large enough to accommodate at least 3 separate users of the facility. If an equipment shelter is initially constructed to accommodate only 1 user, space shall be reserved on site for equipment shelter expansions to accommodate up to at least 3 separate users. Agreement to the provisions of this subsection must be included in the applicant's lease with the landowner, if different from the owner/user of the tower. Written documentation must be presented to the Building Commissioner evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this subsection. As an additional condition of issuing a conditional use permit, the owner/user shall respond in writing to any inquiries regarding collocation of another user of the facility within 30 days after receipt of written inquiry. Copies of all written requests to collocate and all written responses shall be sent to the Building Commissioner.

B. The applicant requesting permission to install a new tower shall provide:

1. Evidence that there is no technically suitable space for the applicant's antenna(s) and related facilities reasonably available on an existing tower, building or structure within the geographic area to be served; and
2. Subject to economic and technical feasibility, evidence that the most current technology in the field of personal wireless services is being utilized in the application.

With its application, the applicant shall also identify the location of every tower, building or structure that could support the proposed antenna(s) or the area where it would be technically suitable to locate so as to allow it to serve its intended function. As part of its application, the applicant shall provide a scaled map of all of its existing, proposed or planned antenna locations within a

five-mile radius of the site which is the subject of the application.

C. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing tower, building or structure. If an existing tower, building or structure is technically suitable, the applicant must demonstrate that it has made written request to collocate on the existing tower, building or structure and the request was rejected by the owner of the tower, building or structure. In all circumstances, owners of existing towers shall promptly respond in writing to requests for collocation, but in no event shall they respond more than 30 days from the date of receipt of a written request for collocation. If another telecommunication tower is technically suitable, the applicant must further show that it has offered to allow the owner of that other tower to collocate an antenna on another tower within the City which is owned or controlled by the applicant, if available, on commercially reasonable terms and the offer was not accepted.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection,  
Maintenance, Extension and Removal / (3) Spacing**

***(3) Spacing***

There shall be a separation of a minimum of 1/4 mile between wireless telecommunication towers.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection,  
Maintenance, Extension and Removal / (4) Height**

***(4) Height***

The maximum height of a free-standing wireless telecommunication tower, including its antenna and all appurtenances, shall be less than 200 feet above grade. The maximum height of any wireless telecommunication antenna installed pursuant to paragraph (d)(1)B. hereof, shall be no greater than the height of the existing tower, building or structure to which it is attached. The height of any equipment shelter shall not exceed 15 feet from grade.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection,  
Maintenance, Extension and Removal / (5) Setbacks**

***(5) Setbacks***

All wireless telecommunication towers shall be set back from property lines of residentially-zoned or used properties a distance of at least 110 percent of the height of the tower. Otherwise, the tower and related facilities shall be a minimum of 40 feet from the front, rear and side property line. In no event shall a wireless telecommunication tower or facility be located in front of the principal building on the lot, if any.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09 Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection, Maintenance, Extension and Removal / (6) Design**

***(6) Design***

A. All wireless telecommunication towers shall be of a monopole design, as opposed to a lattice design.

B. All wireless telecommunication facilities shall be subject to review by the Design Review Board for the purpose of enhancing the compatibility of the facilities with their surroundings, but subject to the limitations set forth in Section 1310.08(d). The color of a wireless telecommunication tower and/or antenna shall be as determined by the Design Review Board for the purpose of minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09 Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection, Maintenance, Extension and Removal / (7) Landscaping**

***(7) Landscaping***

A landscaped area constituting a "transition buffer" and "frontage buffer" of "maximum" intensity, as set forth in Chapter 1220, shall be provided outside the security fence of the facility.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09 Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection, Maintenance, Extension and Removal / (8) Engineering Report**

***(8) Engineering Report***

A report shall be prepared and submitted by a qualified and licensed professional engineer and shall provide proof of compliance with all applicable Federal, State, County and City regulations. The report shall include a detailed description of the telecommunication tower, antenna(s), equipment shelter, and appurtenances, and shall certify that radio frequency



(electromagnetic) emissions are in compliance with the regulations of the Federal Communications Commission (FCC).

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection,  
Maintenance, Extension and Removal / (9) Maintenance**

***(9) Maintenance***

- A. The applicant shall submit a plan documenting how the wireless telecommunication facility will be maintained on the site in an ongoing manner that meets industry standards.
- B. On each biennial anniversary of the issuance of the building permit for a wireless telecommunication facility, or not more than 90 days prior thereto, the owner/user shall submit to the City a report prepared by a licenses professional engineer which shall verify continued compliance of the facility with all governmental requirements, including, but not limited to, the structural integrity and stability of any towers or antennas, electrical safety standards, and auxiliary power source safety standards.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection,  
Maintenance, Extension and Removal / (10) Lighting Prohibited**

***(10) Lighting Prohibited***

Except as required by law, an antenna or a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by Federal Aviation Administration (FAA) regulations, the most visually nonobtrusive state-of-the-art lighting available shall be used, unless otherwise required by the FAA.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection,  
Maintenance, Extension and Removal / (11) Security**

***(11) Security***

- A. A security fence not less than 8 feet in height shall fully enclose those portions of the wireless telecommunication facility which come in contact with the ground. Gates shall be locked at all times.
- B. A permanent warning sign with a minimum size of 2 square feet and a maximum size of 6 square feet shall be posted on the site, as well as an emergency telephone number

of the owner/user of each set of antennas on the site. The owner/user shall also provide the Building Commissioner, the City Fire Department, and the City Police Department with information on whom to contact, an address, and a telephone number in event of an emergency.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection,  
Maintenance, Extension and Removal / (12) Advertising Prohibited**

***(12) Advertising Prohibited***

No advertising signs or devices shall be permitted anywhere on a wireless telecommunication facility site.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection,  
Maintenance, Extension and Removal / (13) Outdoor Storage**

***(13) Outdoor Storage***

There shall be no outdoor storage of equipment or other items on the wireless telecommunication facility site except during the facility construction period and to supply emergency power to the facility only during a power outage.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection,  
Maintenance, Extension and Removal / (14) Access to Facility**

***(14) Access to Facility***

The access driveway to the wireless telecommunication facility shall, whenever feasible, be provided along with circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the facility shall be a minimum of 18 feet in width with a minimum overhead clearance of 11 feet and shall be set back a minimum of 20 feet from the nearest side or rear lot line. This driveway shall meet the load limitations for fire equipment. If the access road to the facility is more than 1,500 feet from the public right-of-way, a turnaround shall be provided for emergency vehicles at the site and a by-pass, adequate for emergency vehicles, with an approachable access, shall be provided for each additional 1,500 feet of the driveway. There shall be a maximum of 1 off-street parking space on the facility site.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection,  
Maintenance, Extension and Removal / (15) Accessory Equipment Shelter**

***(15) Accessory Equipment Shelter***

The maximum cumulative total size of all equipment shelters accessory to a telecommunication tower or antenna on a lot shall be 750 square feet and their maximum height shall not exceed 15 feet from grade. Only 1 equipment shelter, or the configuration of more than 1 shelter to appear that there is 1 shelter, shall be permitted on a lot. Where it is technically feasible and reasonably practical to do so, an existing building or structure on a lot shall be used to shelter equipment associated with a wireless telecommunication facility.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection,  
Maintenance, Extension and Removal / (16) Underground Utilities**

***(16) Underground Utilities***

All utility lines from the utility source to the wireless telecommunication facility shall be underground.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection,  
Maintenance, Extension and Removal / (17) Time Limit for Commencement and Completion**

***(17) Time Limit for Commencement and Completion***

After issuance of a building permit to construct a wireless telecommunication facility, the applicant shall commence construction within 6 months and shall complete construction within 1 year or the building permit shall expire.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09  
Wireless Telecommunication Facilities / (d) Minimum Standards for Construction, Erection,  
Maintenance, Extension and Removal / (18) Abandonment and Removal of Facilities**

***(18) Abandonment and Removal of Facilities***

A. If at any time the use of the wireless telecommunication facility is discontinued for 180 consecutive days, said facility shall be deemed abandoned. The Building Commissioner shall notify the owner/user in writing and advise such owner/user that the facility must be reactivated within 90 days or it must be dismantled and removed from

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the site within that same 90-day period at the cost of the owner/user. The owner/user of the wireless telecommunication facility shall, on no less than an annual basis from the date of issuance of the building permit, file a declaration with the Building Commissioner as to the continuing operation of each of its facilities within the City.

B. The applicant for the wireless telecommunication facility shall be required, as a condition of issuance of a building permit, to post a cash or surety bond acceptable to the Director of Law of not less than \$100.00 per vertical foot from grade of the wireless telecommunication facility, which bond shall insure that an abandoned, obsolete or destroyed wireless telecommunication antenna or tower shall be removed within 180 days of cessation of use or abandonment. Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond, as principal, to insure that the bond will be in place during the period of time that the successor-in-interest or assignee occupies the facility.

**Title 3 : Land Planning and Improvements / Chapter 1250 Special Use Regulations / 1250.09 Wireless Telecommunication Facilities / (e) Exemption of Certain City Property**

**(e) Exemption of Certain City Property**

Regardless of the provisions of this section, a wireless telecommunication facility may be permitted on any property owned or controlled by the City and used for public services and shall be constructed, erected, maintained, extended and removed under such conditions, standards and regulations as required by the City Council. The design shall be approved by the Design Review Board prior to construction.

(Ord. 185-1997. Passed 12-2-97.)

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains**

**Chapter 1260  
Flood Plains**

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**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.01 Purpose and Applicability**

## 1260.01 Purpose and Applicability

### **Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.01 Purpose and Applicability / (a) Purpose**

#### **(a) Purpose**

The purposes of this chapter are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) protect human life and health
- (2) minimize expenditure of public money for costly flood control projects
- (3) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public
- (4) minimize prolonged business interruptions
- (5) minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, street and bridges, located in Areas of Special Flood Hazard
- (6) help maintain a stable tax base by providing for the secure use and development of Areas of Special Flood Hazard so as to minimize future flood blight areas
- (7) ensure that potential buyers are notified that property is in an Area of Special Flood Hazard, and
- (8) ensure that those who occupy the Areas of Special Flood Hazard assume responsibility for their actions.

### **Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.01 Purpose and Applicability / (b) Applicability**

#### **(b) Applicability**

No structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the provisions of this chapter.

**Applicability / (c) Exemptions**

**(c) Exemptions**

The following shall be exempt from the provisions of this chapter:

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.01 Purpose and Applicability / (c) Exemptions / (1) Maintenance**

***(1) Maintenance***

Maintenance work, such as roofing, painting, and basement sealing.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.01 Purpose and Applicability / (c) Exemptions / (2) Minor Development**

***(2) Minor Development***

Small development activities (except for filling and grading) valued at less than \$1,000 as determined by the Building Commissioner.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.01 Purpose and Applicability / (c) Exemptions / (3) Infill Construction**

***(3) Infill Construction***

New construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.01 Purpose and Applicability / (c) Exemptions / (4) Historic Restoration**

***(4) Historic Restoration***

The reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Ohio Inventory of Historic Places.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.02 Development in Floodplains**

## 1260.02 Development in Floodplains

### **Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.02 Development in Floodplains / (a) Applicability**

#### **(a) Applicability**

The standards of this section are applicable in all Areas of Special Flood Hazard, as defined in division 1260.06(c).

### **Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.02 Development in Floodplains / (b) Anchoring**

#### **(b) Anchoring**

All new construction, substantial improvements, and manufactured homes not regulated by Section 3733.01 of the Ohio Revised Code shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

Methods of anchoring manufactured homes may include the use of over-the-top or frame ties to ground anchors.

### **Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.02 Development in Floodplains / (c) Construction**

#### **(c) Construction**

### **Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.02 Development in Floodplains / (c) Construction / (1) Flood-Resistant Materials**

#### ***(1) Flood-Resistant Materials***

All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

### **Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.02 Development in Floodplains / (c) Construction / (2) Construction Methods**

*(2) Construction Methods*

All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.02  
Development in Floodplains / (c) Construction / (3) Service Facilities**

*(3) Service Facilities*

All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating with-in the components during conditions of flooding.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.02  
Development in Floodplains / (d) Utilities**

**(d) Utilities**

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.02  
Development in Floodplains / (d) Utilities / (1) Water Supply**

*(1) Water Supply*

All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system and shall incorporate a reduced pressure zone back-flow preventor.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.02  
Development in Floodplains / (d) Utilities / (2) Sanitary Sewerage**

*(2) Sanitary Sewerage*

New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into the flood waters.

No basement floor drains shall open directly into the sanitary sewer system. There shall be no openings into the sanitary sewer system below the base flood elevation.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.02**



**Development in Floodplains / (d) Utilities / (3) Septic Systems**

***(3) Septic Systems***

On-site liquid waste disposal systems shall be located to avoid impairment to them or con-tamination from them during flooding.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.02**

**Development in Floodplains / (e) Subdivisions**

***(e) Subdivisions***

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.02**

**Development in Floodplains / (e) Subdivisions / (1) Minimize Flood Damage**

***(1) Minimize Flood Damage***

All subdivisions or site condominiums or site cooperatives approved under Sections 1310.05 or 1310.07 shall have adequate drainage and public utilities, such as sewer, gas, electrical and water systems, so located and constructed as to minimize flood damage.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.02**

**Development in Floodplains / (e) Subdivisions / (2) BFE Data for Large Developments**

***(2) BFE Data for Large Developments***

The applicant for such approval shall provide base flood elevation data for a subdivision proposal and other proposed development that contains at least fifty lots or building sites or 5 acres, whichever is less.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.02**

**Development in Floodplains / (f) Encroachments in Floodways**

***(f) Encroachments in Floodways***

Encroachments--including fill, new construction, substantial improvements, as defined herein, and other development--are prohibited within floodways unless a technical evaluation demonstrates that they will not result in any increase in flood levels during the occurrences of the base flood discharge.

Any new construction or substantial improvements in floodways allowed hereunder shall comply with all applicable flood hazard reduction provisions of this chapter.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.03 Base Flood Elevation Requirements**

**1260.03 Base Flood Elevation Requirements**

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.03 Base Flood Elevation Requirements / (a) Applicability**

**(a) Applicability**

The provisions of this section are applicable in all Areas of Special Flood Hazard where base flood elevation data have been provided as set forth in the Flood Insurance Study, the Flood Insurance Rate Map, or an application for subdivision or related approval under division 1260.02(e)(2).

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.03 Base Flood Elevation Requirements / (b) Elevation of Residential Construction**

**(b) Elevation of Residential Construction**

New construction and substantial improvement of any dwelling not subject to Section 3733.01 of the Ohio Revised Code shall have the lowest floor, including the basement, elevated to or above the base flood elevation.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.03 Base Flood Elevation Requirements / (c) Nonresidential Construction**

**(c) Nonresidential Construction**

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.03 Base Flood Elevation Requirements / (c) Nonresidential Construction / (1) Elevation**

***(1) Elevation***

New construction and substantial improvement of any nonresidential structure shall have the lowest floor, including the basement, elevated to or above the level of the base flood elevation unless it complies with division (c)(2).

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.03 Base Flood Elevation Requirements / (c) Nonresidential Construction / (2) Floodproofing**

***(2) Floodproofing***

Construction or improvement not complying with division (c)(1) shall, together with attendant utility and sanitary facilities:

- A. be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water,
- B. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy
- C. be certified by a registered professional engineer or architect as to compliance with the standards of this division.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.03 Base Flood Elevation Requirements / (c) Nonresidential Construction / (3) Exception**

***(3) Exception***

Accessory structures such as sheds and detached garages built at a cost of less than \$4,000 shall be exempt from the requirements of divisions (c)(1) and (c)(2) provided such structures comply with the encroachment provisions of Section 1260.02(f) and the requirements of this division.

- A. Such accessory structures shall not be used for human habitation.
- B. They shall be designed to have low flood damage potential.
- C. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters.
- D. They shall be firmly anchored to prevent flotation.
- E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.03 Base Flood Elevation Requirements / (d) Enclosures Below BFE**

***(d) Enclosures Below BFE***

Fully enclosed areas below the base flood elevation located beneath structures elevated to base flood

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elevation or higher--such as by pilings, columns, or posts--shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters.

Designs for meeting this requirement shall be certified by a registered professional engineer or architect or shall conform to the provisions below.

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of flood waters.

Any enclosure which meets these criteria shall be considered as having met the construction requirements of Section 1260.02(c).

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.04 Variances**

**1260.04 Variances**

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.04 Variances /**

**(a) Procedure**

**(a) Procedure**

The Board of Zoning and Building Appeals shall hear and decide requests for Variances from the requirements of this chapter under Section 1310.03(a).

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.04 Variances /**

**(b) Review Factors**

**(b) Review Factors**

In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, the Approval Criteria of Table 1310C, and the following:

(1) The danger that materials may be swept onto other lands to the injury of others

(2) The danger to life and property due to flooding or erosion damage

- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner
- (4) The importance of the services provided by the proposed facility to the community
- (5) The necessity to the facility of a waterfront location, where applicable
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage
- (7) The compatibility of the proposed use with existing and anticipated development
- (8) The relationship of the proposed use to the Comprehensive Plan and flood plain management program for that area
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of the wave action, if applicable, expected at the site, and
- (11) The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.04 Variances / (c) Records and Reporting**

**(c) Records and Reporting**

The Building Commissioner shall maintain the records of all actions hereunder and report any Variances to the Federal Emergency Management Agency upon request.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.04 Variances / (d) Limits on Variances**

**(d) Limits on Variances**

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.04 Variances / (d) Limits on Variances / (1) Variances in Floodway**

**(1) Variances in Floodway**

Variances shall not be issued within any floodway if any increase in flood levels during the base

flood discharge would result.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.04 Variances / (d) Limits on Variances / (2) Public Protection**

***(2) Public Protection***

Variances shall only be issued upon a determination that the granting of the Variance will not:

- A. result in increased flood heights, additional threats to public safety or extraordinary public expense, or
- B. create nuisances, or
- C. cause fraud on or victimization of the public, or
- D. conflict with existing local laws or ordinances.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.04 Variances / (e) Insurance Cost**

***(e) Insurance Cost***

An applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from such reduced elevation .

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.05 Administration**

**1260.05 Administration**

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.05 Administration / (a) Development Permit**

***(a) Development Permit***

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.05 Administration / (a) Development Permit / (1) When Required**

*(1) When Required*

A Development Permit shall be obtained from the Building Commissioner before construction or development begins within any Area of Special Flood Hazard established in the Flood Insurance Study. Applications for Development Permits shall be filed with the Building Commissioner.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.05  
Administration / (a) Development Permit / (2) Application Contents**

*(2) Application Contents*

The application shall include plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location thereof.

The application shall include:

- A. the elevation in relation to mean sea level of the lowest floor, including the basement, of all proposed structures
- B. the elevation in relation to mean sea level to which any proposed structure will be floodproofed
- C. certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 1260.03(c)(2), and
- D. a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.05  
Administration / (a) Development Permit / (3) Permit Review**

*(3) Permit Review*

Before the Building Commissioner issues a Development Permit, he or she and the City Engineer shall determine that all applicable requirements of this chapter and other City regulations have been complied with.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.05  
Administration / (a) Development Permit / (4) BFE Compliance**

*(4) BFE Compliance*

To determine compliance with Section 1260.03, the Building Commissioner and City Engineer

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shall:

A. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including the basement, of all new or substantially improved structures, and determine whether or not such structures contain a basement

B. For all new or substantially improved floodproofed structures:

1. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed, and

2. Maintain the floodproofing certifications required in Section 1260.03(c)(2)C.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.05  
Administration / (b) Alteration of Watercourses**

**(b) Alteration of Watercourses**

The City Engineer and the Building Commissioner shall:

(1) notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency, and

(2) require that necessary maintenance be provided for by the applicant for the altered or relocated portion of said watercourse so that the flood-carrying capacity will not be diminished.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.05  
Administration / (c) Interpretation of Flood Boundaries**

**(c) Interpretation of Flood Boundaries**

The City Engineer and the Building Commissioner shall make interpretations, where needed, as to the exact location of the boundaries of the Areas of Special Flood Hazard, such as where there appears to be a conflict between a mapped boundary and actual filed conditions.

Where a mapped boundary and elevations disagree, the elevations delineated in the flood elevation profile shall prevail. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1310.03(c).

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.06 Other  
Provisions**



## **1260.06 Other Provisions**

### **Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.06 Other Provisions / (a) Disclaimer of Liability**

#### **(a) Disclaimer of Liability**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes.

This chapter does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City, any official or employee thereof, or the Federal Emergency Management Agency for any flood damage that results directly or indirectly from reliance on this chapter or any administrative decision lawfully made thereunder.

### **Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.06 Other Provisions / (b) LC Zoning**

#### **(b) LC Zoning**

City Council may classify any Area of Special Flood Hazard or part thereof in the LC Land Conservation District. A property owner may request LC classification of any land in an Area of Special Flood Hazard not already so classified.

Density Transfer as authorized under division 1110.02(f) is available to all land classified in the LC District.

### **Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.06 Other Provisions / (c) Definitions**

#### **(c) Definitions**

### **Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.06 Other Provisions / (c) Definitions / (1) Area of Special Flood Hazard**

*(1) Area of Special Flood Hazard*

The land in the flood plain in the City sub-ject to a one percent or greater chance of flooding in any given year as designated as Zone A on the Flood Insurance Rate Map.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.06 Other Provisions / (c) Definitions / (2) Base Flood**

*(2) Base Flood*

The flood having a one percent chance of being equalled or exceeded in any given year. The base flood may also be referred to as the 100-year flood.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.06 Other Provisions / (c) Definitions / (3) Flood**

*(3) Flood*

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. the overflow of inland water, or
- B. the unusual and rapid accumulation or runoff of surface waters from any source.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.06 Other Provisions / (c) Definitions / (4) Flood Insurance Rate Map (FIRM)**

*(4) Flood Insurance Rate Map (FIRM)*

The official map on which the Federal Insurance Administration has delineated both the Areas of Special Flood Hazard and the risk premium zones applicable to the community.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.06 Other Provisions / (c) Definitions / (5) Flood Insurance Study**

*(5) Flood Insurance Study*

The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the Base Flood.

The Flood Insurance Study, with accompany-ing Flood Boundary and Floodway maps and Flood Insurance Rate Maps, dated January 16, 1981, and any revision thereof, is on file at the Planning

Department in the Municipal Building.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.06 Other Provisions / (c) Definitions / (6) Floodway**

***(6) Floodway***

The channel of a river or other watercourse and the adjacent land areas that shall be re-served in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1/2 foot.

Floodways are delineated in the Flood Boun-dary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.06 Other Provisions / (c) Definitions / (7) Lowest Floor**

***(7) Lowest Floor***

The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.06 Other Provisions / (c) Definitions / (8) Start of Construction**

***(8) Start of Construction***

The date the Building Permit was issued, provided that the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the Permit date.

The actual start of construction shall be either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installa-tion of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include:

- A. land preparation, such as clearing, grading and filling, or
- B. the installation of streets and/or walkways, or
- C. excavation for a basement, footings, piers or foundations or the erection of

temporary forms, or

D. the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Title 3 : Land Planning and Improvements / Chapter 1260 Flood Plains / 1260.06 Other Provisions / (c) Definitions / (9) Substantial Improvement**

***(9) Substantial Improvement***

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

A. any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions, or

B. any alteration of a structure listed on the National Register of Historic Places or the Ohio Inventory of Historic Places.

**Title 4 : Development Administration**

**Title 4 : Development Administration**

**Title 4 : Development Administration / Chapter 1310 Development Approvals**

**Chapter 1310**

## Development Approvals

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**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.01  
Rules for All Development Approvals**

### **1310.01 Rules for All Development Approvals**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.01  
Rules for All Development Approvals / (a) Types of Approvals**

#### **(a) Types of Approvals**

Officers and bodies of the City may approve, conditionally approve, or disapprove applications for the following Development Approvals:

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.01  
Rules for All Development Approvals / (a) Types of Approvals / (1) Amendments**

#### ***(1) Amendments***

- A. Map Amendments
- B. Text Amendments

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.01  
Rules for All Development Approvals / (a) Types of Approvals / (2) Adjustments**

#### ***(2) Adjustments***

- A. Variances
- B. Conditional Uses and Special Exceptions
- C. Appeals
- D. Changes to Properties With Nonconformities

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.01  
Rules for All Development Approvals / (a) Types of Approvals / (3) Staff Approvals**

**(3) Staff Approvals**

- A. Temporary Uses
- B. Interpretations
- C. Unlisted Uses Similar to Listed Uses

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.01  
Rules for All Development Approvals / (a) Types of Approvals / (4) Development Plans  
(4) Development Plans**

- A. Subdivision Plats
  - 1. Minor Subdivisions
  - 2. Preliminary Plats
  - 3. Final Plats
- B. Planned Unit Developments
- C. Site Plan Reviews

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.01  
Rules for All Development Approvals / (a) Types of Approvals / (5) Certificates of  
Appropriateness**

**(5) Certificates of Appropriateness**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.01  
Rules for All Development Approvals / (a) Types of Approvals / (6) Mandatory Referrals.  
(6) Mandatory Referrals.**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.01  
Rules for All Development Approvals / (b) Approval Process**

**(b) Approval Process**

No Development Approval shall be approved, conditionally approved, or disapproved except in conformance with:

- (1) the applicable Approval Criteria in Tables 1310A, 1310C, 1310D, 1310E, 1310F, 1310G, 1310H, 1310I, and 1310J, and.
- (2) the applicable approval process provided in this chapter or in Chapter 1320, Approval Procedures, and
- (3) other applicable provisions of City regulations.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.01  
Rules for All Development Approvals / (c) Existing Uses Exempt**

**(c) Existing Uses Exempt**

Except as otherwise provided herein, no lawful use that requires a Conditional Use Permit or other development Approval hereunder shall require such Approval to continue as it was on the effective date of the regulation making such requirement.

It shall be the responsibility of the owner or occupant of the property to provide evidence of the existence of the use on or prior to such date.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.01  
Rules for All Development Approvals / (d) Expansion or Alteration**

**(d) Expansion or Alteration**

Any expansion of, addition to, structural alteration of, or change of use of a use holding a Certificate of Appropriateness or Conditional Use Permit, or

exempted therefrom by division (c) that occurs after the date of approval of such permit or certificate or the date of effect of this chapter, whichever is later, shall require a new Certificate or Permit for such expansion, addition, alteration, or change.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.01  
Rules for All Development Approvals / (e) Responsibility for Action**

**(e) Responsibility for Action**

Advisory Action and Final Action on Development Approvals shall be the responsibility of the bodies specified in Table 1320A in Chapter 1320, Approval Procedures.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.02**

Amendments

**1310.02 Amendments**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.02 Amendments / (a) Purpose and Applicability**

**(a) Purpose and Applicability**

To adapt to new conditions and implement the Comprehensive Plan in phases, this Code must be changed from time to time.

The Design Review Board may recommend to the City Council rezonings to the PO District and may recommend to the Planning Commission amendments to the regulations for that District. The City Planning Commission may recommend to the Council other amendments to these regulations.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.02 Amendments / (b) Approval Process**

**(b) Approval Process**

The process for approval shall be as provided in Chapter 1320. Map amendments (rezonings) shall conform to the Approval Criteria of Table 1310A.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.02 Amendments / Table 1310A: Approval Criteria for Zoning Map Amendments**

**Table 1310A: Approval Criteria for Zoning Map Amendments**

**1. Support for Classification**

A. Compatible With Environs

The uses permitted under the proposed district are compatible with existing uses or zoning in the environs, or

B. Supported by Trend of Development

The trend of development, redevelopment, or land use change in the general area since the original zoning was established supports the proposed zoning classification, or



C. Consistent With City Plans

The proposed classification is in harmony with objectives of the Barberton Comprehensive Plan and other applicable City plans adopted by City Council as viewed in light of any changed conditions since adoption.

**2. Furthers Public Interest**

The proposed zoning classification promotes the public interest and not solely the interest of the applicant.

**3. Public Services Available**

Adequate street capacity and public services are anticipated to be available to support the proposed classification.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.02 Amendments / (c) Rezoning to PO District**

**(c) Rezoning to PO District**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.02 Amendments / (c) Rezoning to PO District / (1) Purpose**

*(1) Purpose*

Barberton has a unique history as a planned industrial community and experimental farm created by an imaginative entrepreneur.

As a result, certain properties and areas in the City possess special character deriving from the presence of historic buildings or sites. When this character is of sufficient cultural, aesthetic, or economic value, special controls and review procedures governing design of new construction and alterations to existing properties are warranted to further the public welfare.

The PO Preservation Overlay District as provided herein is intended to establish such controls and procedures without significantly interfering with the development rights conferred by other City regulations.

It is therefore the intent of this chapter to establish procedures to guide change in historic areas. It seeks to do so by encouraging property owners and the City government to work out a mutually acceptable balance between preservation and alteration, between aesthetic and non-aesthetic development factors, and between the rights of the property owner and the public good.

Specifically, the PO District is intended to afford special protection to historic properties and areas that will:

- A. protect and enhance business, cultural, and living environments
- B. stimulate appropriate investment in and improvement of historic properties and areas by assuring a controlled environment that encourages such improvement and helps preserve its value
- C. promote business and economic development by preserving the character of buildings and areas that have a special environment that appeals to residents and visitors
- D. preserve the existing character and property values of historically significant parts of Barberton by discouraging incompatible change
- E. recognize the rights and needs of property owners and businesses, and
- F. promote a balance between aesthetic considerations and economic requirements and between conservation and change.

The intent of PO zoning is to provide a mechanism for negotiations between the public and private sectors that allows the City to make progress while preserving the best of its past.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.02  
Amendments / (c) Rezoning to PO District / (2) Approval Process**

***(2) Approval Process***

Rezoning to the PO District shall be in conformance with Approval Criteria of Table 1310B and other provisions of this section.

All proposals for rezoning to the PO District shall be accompanied by documentation of conformance to the Approval Criteria of Table 1310B and shall clearly identify all primary property and all secondary property.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.02  
Amendments / (c) Rezoning to PO District / (3) Use of PO Zoning**

***(3) Use of PO Zoning***

Because historic character may be confined to a single property or portion thereof, a single lot or building site or portion thereof, such as a sign, may be classified in the PO District if consistent with Criterion 3 of Table 1310B.

A PO classification of a portion of a lot or building site shall be accompanied by a notation on

the Zoning District Map or addendum thereto indicating what portion of the property is governed by the designation.

An open site without a building may be classified in the PO District if the site is of historic significance or otherwise conforms to the Approval Criteria of Table 1310B.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.02  
Amendments / (c) Rezoning to PO District / (4) Secondary Property  
(4) *Secondary Property***

A PO District may include secondary property, as defined herein, whether developed or vacant, if City Council finds that their control under these provisions is necessary for the protection of primary property in its vicinity.

No more than 33 percent of the land area excluding streets within a contiguous multi-lot area located in the PO District shall be secondary property.

Except that, in order to provide a protected buffer zone around significant properties, lots located wholly or partially within 50 feet of a lot on which a primary property is located shall not be counted in determining the percent of land in secondary property.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.02  
Amendments / (c) Rezoning to PO District / (5) Moratorium  
(5) *Moratorium***

The City Council may establish a moratorium on Building Permits, Demolition Permits, and/or Sign Permits in any area for which a rezoning to the PO District has been scheduled for consideration.

No such Permit shall be issued for any property within such area unless:

A. Final Action has been taken by Council on such rezoning, or 60 days have passed since the beginning of the moratorium, whichever comes first, or

B. the Permit application has been voluntarily submitted for the review required for a Certificate of Appropriateness and such Certificate has been approved therefor.

If the rezoning is approved, Permits shall thereafter be issued only after approval of a Certificate of Appropriateness.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.02  
Amendments / (c) Rezoning to PO District / (6) Design Guidelines**

*(6) Design Guidelines*

**A. Guidelines Mandatory**

The Design Review Board shall prepare and recommend for adoption as amendments to this Code specific Design Guidelines for:

1. any existing or proposed PO District with more than 5 lots, and
2. multi-lot Districts of 5 or fewer lots that are adjacent or separated at any point by under 200 feet, which are considered a single District for purposes of this provision.

Such Guidelines shall conform to the requirements of division B herein.

No rezoning to the PO District shall be effective prior to adoption of such Guidelines by City Council.

PO Districts of more than 5 lots that were Preservation Districts under previous regulations shall automatically become void if Guidelines therefor have not been adopted within 120 days of the date of effect of 1310.02(c).

**B. Standards for Guidelines**

All Design Guidelines shall conform to the requirements of this division.

A set of uniform or model design criteria not related to the specific character of the PO-zoned area, such as the Secretary of the Interior's Standards, shall not qualify as Guidelines hereunder, although Guidelines may include provisions from such criteria.

1. Findings on Existing Character

Guidelines shall be based on surveys and specific findings concerning the visual qualities of the existing historic character of the particular district. These findings shall be documented in the Guidelines.

2. Define Compatibility

Guidelines shall serve to clearly define the specific nature of the visual compatibility required of alterations under Table 1310J as related to that existing character.

3. Advance Notice to Applicants

Guidelines shall be sufficiently clear and detailed to convey in advance to prospective applicants as specifically as possible what the Design Review Board requires so as to prevent unnecessary delays in approval and unnecessary revisions to alteration plans.

4. Period of Significance

Guidelines for a multi-property PO District shall identify the period of significance represented by the District. Such period shall be sufficiently inclusive to acknowledge the span of time during which District properties were constructed or achieved significance.

The period of significance shall be used as a point of reference for determining visual compatibility within the district. It shall not be used to prevent contemporary treatments that may be deemed appropriate within the context of the district as a whole.

5. Guidelines for Secondary Property

Guidelines shall be defined for secondary property, as defined herein, that are appropriately less stringent than those applying to primary property.

6. Cost-Benefit

Guidelines shall weigh the benefit to the public of the most historically appropriate treatments against any additional cost to the property owner therefor. They shall favor treatments offering the greatest public benefit in relation to private cost.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.02  
Amendments / (c) Rezoning to PO District / (7) Removal of PO Zoning  
(7) *Removal of PO Zoning***

The City shall rezone a property, area, or portion thereof to remove the PO District if the characteristics of the property, area, or portion thereof on which the PO zoning was based have permanently ceased to exist.

Such rezoning shall not require a request therefor from the owner of the affected property. If a valid request is received, the rezoning shall be adopted by City Council no later than 90 days after receipt by the Planning Director of the request.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.02  
Amendments / (c) Rezoning to PO District / (8) Property Maintenance  
(8) *Property Maintenance***

The Building Commissioner shall give priority in enforcement of the City's property maintenance regulations to primary properties located in the PO District, especially those with the most significant violations, in order to prevent deterioration that would justify or require demolition. This requirement shall not apply to secondary properties.

**Barberton Development Code**

If the property owner has not performed maintenance work ordered by the Commissioner within a reasonable period as determined by the Commissioner, the Commissioner may arrange for such work to be performed and assess the property owner for the cost thereof.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.02  
Amendments / (c) Rezonings to PO District / (9) Mandatory Referral  
(9) Mandatory Referral**

Actions by City government relating to prop-erties in the PO District are subject to Man-datory Referral, as provided in 1310.09.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.02  
Amendments / (c) Rezonings to PO District / (10) Sunset Provision  
(10) Sunset Provision**

All provisions for the PO Preservation Overlay District shall become null and void if:

A. either prior to or within 360 days after the date of effect of division 1310.02(c) the Design Review Board has not recommended to City Council the rezoning of private property to such District or to the predecessor Preservation District, or

B. either prior to or within 540 days after such date City Council has not approved any such rezoning.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / Table 1310B:  
Approval Criteria for Rezoning to PO District**

**Table 1310B: Approval Criteria for Rezoning to PO District**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / Table 1310B:  
Approval Criteria for Rezoning to PO District / 1. Significance**

**1. Significance**

The property or area to be rezoned has at least one of the significances specified below.

A. Historic Significance

**Barberton Development Code**

It has special value associated with a site, person, group, organization, event, or pattern of events of local, state, or national historic significance.

For this purpose a pattern of events shall be considered a series of discrete events that are related both to each other and to the significance of the property or area and that do not serve merely to identify a historical era or other period of time or a style of architecture.

B. Architectural Significance

It has special value as historic architecture by:

1. being the work of a historically notable builder, architect, or designer, or
2. embodying architectural elements that make it innovative, distinctive, excellent, uncommon, irreplaceable, or otherwise significant, or
3. serving to create a special character or atmosphere that is of an economic value to the City or a portion thereof that justifies its preservation.

C. Other Significance

It has special value resulting from a singular physical characteristic that is a widely recognized and widely esteemed visual feature or landmark of the City or of any neighborhood.

"Special value" shall be considered to mean value not commonly exhibited by other properties or areas in the City. Such value need not be one-of-a-kind but shall be sufficiently uncommon to clearly merit special regulatory protection.

The property or area has further not seen publicly visible alterations to the original design, or to a successor design established as the compatibility standard, that are so drastic as to have largely destroyed the significance of the area or property and that could be reversed only with extraordinary difficulty.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / Table 1310B: Approval Criteria for Rezoning to PO District / 2. Suitability for Preservation**

**2. Suitability for Preservation**

The property or area exhibits sound structural condition and remains largely suitable physically for preservation or restoration.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / Table 1310B:**

**Approval Criteria for Rezoning to PO District / 3. Consistent With Adjacent Property or Plan**

**3. Consistent With Adjacent Property or Plan**

The placement of the property or area in the PO District is consistent with the significance of adjacent property or with the Preservation Plan for the City. It therefore does not represent an arbitrary imposition only upon certain properties or areas with such significance.

Note: This table defines criteria for primary property, as defined herein. Individual properties not meeting these criteria may be included in a multi-property District as secondary property subject to the provisions of 1310.02(c).

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03 Adjustments**

**1310.03 Adjustments**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03 Adjustments / (a) Variances**

**(a) Variances**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03 Adjustments / (a) Variances / (1) Purpose and Applicability**

***(1) Purpose and Applicability***

Because of special circumstances affecting particular properties in the City, the literal application of the provisions of this Code may in certain instances create unintended hardships or practical difficulties.

As provided in Table 1320A, the Board of Zoning and Building Appeals and Planning Commission may accordingly grant Variances from the literal application of any provision of this Code, or any provision of a Site Plan approved under Section 1310.07 based on Findings of Fact related to the Approval Criteria of Table 1310C.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03 Adjustments / (a) Variances / (2) Approval Process**



*(2) Approval Process*

The Variance approval process shall be as provided in Chapter 1320.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (a) Variances / (3) Use Variances**

*(3) Use Variances*

No Variance shall be approved or conditionally approved the effect of which would be substantially equivalent to a rezoning or Conditional Use approval or that would otherwise permit any use not allowed as a Permitted or Conditional Use in the applicable district.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (a) Variances / (4) Non-Variance Relief**

*(4) Non-Variance Relief*

If the Board of Zoning and Building Appeals or Planning Commission finds that a requested Variance fails to conform to the applicable Approval Criteria and that a text or map amendment or other Development Approval is necessary to grant an applicant relief, it shall so advise the applicant.

A subsequent application for such other Approval shall not be considered a rehearing under division 1320.02(g)(18).

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (a) Variances / (5) Variances and Bonuses**

*(5) Variances and Bonuses*

No Variance shall be approved if a zoning bonus is provided--such as by Table 1230I or division 1110.02(f)(5)--that would achieve the same result unless the Board of Zoning and Building Appeals or Planning Commission finds use of the bonus to be impractical in the particular case.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (a) Variances / (6) Homeowner Variances**

*(6) Homeowner Variances*

**A. Purpose**

The purpose of Homeowner Variance procedures is to reduce the time and expense to homeowners of obtaining approval of simple Variances that are likely to have minimal adverse impact.

**B. Eligibility**

The fee owner, contract purchaser, or option holder of a single-family detached or attached or townhouse dwelling or a two-or three-family dwelling who wishes to request a Variance for that dwelling or its lot may apply for a Homeowner Variance.

An application involving more than one dwelling or more than one lot, as defined herein, shall not be filed as a Homeowner Variance.

**C. Benefits**

1. Reduced Submissions

Filing submissions for Homeowner Variances shall be determined on a case-by-case basis by the Building Commissioner and may be less than required for other Variances in Table 1320B.

2. Lower Filing Fees

The City Council may establish fees for Homeowner Variances that are lower than those for other Variances.

Other procedures and requirements shall be as provided for all Variances.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03 Adjustments / Table 1310C: Approval Criteria for Variances**

**Table 1310C: Approval Criteria for Variances**

**1. Special Circumstances Not Found Elsewhere**

Special circumstances, fully described in Findings of Fact, exist that are peculiar to the property for which the Variance is sought and that do not apply generally to other properties in the same district or other regulatory classification.

And these circumstances are not of so general or recurrent a nature as to make it reasonably practical to provide, in the form of a text amendment to the applicable regulations, a general regulation to cover them.

**2. Hardship or Practical Difficulties**

For reasons fully set forth in the written Findings, the literal application of the applicable provision would result in unnecessary and undue hardship or practical difficulties for the applicant, as distinguished from mere inconvenience.

**3. Not Resulting from Applicant Action**

The special circumstances and practical difficulties or hardship that are the basis for the Variance have not resulted from any act of the applicant or of any other party with a present interest in the property undertaken subsequent to the adoption of the regulation being varied.

Knowingly authorizing or proceeding with any action requiring any Variance, permit, certificate, or approval under City development regulations prior to such approval shall be considered such an act and shall not be the basis for approval of a Variance.

**4. Preserves Rights Conferred by District**

A Variance is necessary for the applicant to enjoy a substantial property right possessed by other conforming properties in the same district or other regulatory classification and does not confer a special privilege ordinarily denied to such other properties.

**5. Necessary for Use of Property**

The grant of a Variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a Variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable return, as defined herein, from, the property.

**6. Not Alter Local Character**

The granting of the Variance will not alter the essential character of the locality nor substantially impair environmental quality, property values, or public safety or welfare in the vicinity.

**7. Consistent With Ordinance and Plan**

The granting of a Variance will be in harmony with the general purpose and intent of the regulations of this Code and of the Barberton Comprehensive Plan and other applicable adopted plans of the City, as viewed in light of any changed conditions since their adoption. It will not serve in effect to substantially invalidate or nullify any part thereof.

**8. Minimum Variance Needed**

The Variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of his or her property.

**Please Note: To view the Variances Graphic, see page 1310-7 of the printed version of the Barberton Development Code**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (b) Conditional Uses and Special Exceptions**

**(b) Conditional Uses and Special Exceptions**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (b) Conditional Uses and Special Exceptions / (1) Purpose**

***(1) Purpose***

Certain uses cannot be allowable generally in a particular zoning district, or in any zoning district, because of the impact their special character creates on surrounding areas.

Some such uses may, however, be properly allowed under special conditions. These uses may be approved as Conditional Uses if specifically designated as such in the applicable zoning district.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (b) Conditional Uses and Special Exceptions / (2) Applicability**

***(2) Applicability***

Because a Conditional Use is compatible only under special conditions, no Certificate of Compliance shall be issued for any use authorized as a Conditional Use in the applicable district before approval of a Conditional Use Permit.

Except as specifically provided otherwise herein, all regulations of the applicable zoning district, and all other applicable City regulations, shall apply to Conditional Uses.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (b) Conditional Uses and Special Exceptions / (3) Approval Process**

***(3) Approval Process***

The process for approval of Conditional Uses shall be as provided in Chapter 1320. Approval Criteria shall be as provided in Table 1310D.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (b) Conditional Uses and Special Exceptions / (4) Review Factors**

***(4) Review Factors***

In evaluating the suitability of a Conditional Use, the Planning Commission shall examine, as

applicable, the following characteristics of the use and its structures or components:

- A. Location and orientation
- B. Lot size
- C. Size of facility, including floor area, structure height, design capacity, and anticipated employment.
- D. Site design and arrangement
- E. Provisions affecting on- and off-site pedestrian and traffic movement, vehicle storage, and access by emergency vehicles
- F. Appearance
- G. Screening or landscaping
- H. Onor off-site buffering from incompatible uses with open spaces or transitional uses
- I. Operations factors, such as hours of use or environmental controls, that affect land use compatibility
- J. Other characteristics of the proposed use pertinent in the judgment of the Commission to an assessment of the impact of the use on the area.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (b) Conditional Uses and Special Exceptions / (5) Specific Standards  
(5) *Specific Standards***

The Commission may call upon technical ex-perts to determine specific development standards for particular Conditional Uses or oth-er Special Exceptions.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (b) Conditional Uses and Special Exceptions / (6) Other Special Exceptions  
(6) *Other Special Exceptions***

Like Conditional Uses, other Special Exceptions to provisions of City development regu-lations may be approved without the need for an Amendment or Variance when such Exceptions and the conditions under which they may be allowed are specifically authorized in this Code.

Such Exceptions may be approved, condition-ally approved, or disapproved. The process for their approval shall be as provided in Chapter 1320. Approval Criteria shall be as specified for the

particular Exception.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03 Adjustments / Table 1310D: Approval Criteria for Conditional Uses**

**Table 1310D: Approval Criteria for Conditional Uses**

On the basis of the review factors cited under in division 1310.03(b)(4), or changes in such factors required as a condition to approval, the proposed use will be compatible with its environs in all of the ways indicated herein.

**1. Neighborhood Character**

The proposed use will fit harmoniously with the character of existing Permitted Uses in its environs. Any adverse effects on environmental quality, property values, or neighborhood character beyond those normally associated with Permitted Uses in the district have been minimized.

**2. Environmental Nuisance**

Any effects of noise, glare, odor, dust, waste disposal, blockage of light or air, or other adverse environmental effects of a type or degree not characteristic of Permitted Uses in the district, have been minimized.

**3. Traffic**

Any adverse impact of types or volumes of traffic flow not otherwise typical of Permitted Uses in the zoning district has been minimized.

**4. Use of Public Services and Facilities**

The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of Permitted Uses in the district, nor generate disproportionate demand for new services or facilities, in such a way as to place undue burdens upon existing development in the area.

**5. Statutory Public Functions**

Disapproval or conditional approval of a Conditional Use requested by a public body will not generally prevent such body from discharging its statutory functions but will only place reasonable restrictions on how and where those functions may be performed.

**6. Other Factors**

The use is in harmony with any other elements of compatibility pertinent to the Conditional Use in its

proposed location.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (c) Appeals**

**(c) Appeals**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (c) Appeals / (1) Purpose**

***(1) Purpose***

Because actions of administrative officials and bodies under City regulations are subject to occasional error, the Board of Zoning and Building Appeals may hear Appeals of such actions and modify them if it finds an error has been made.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (c) Appeals / (2) Applicability**

***(2) Applicability***

Except as otherwise provided herein, any party, including the City itself, that is aggrieved by an alleged error in an administrative action--such as an order, requirement, decision, or determination--made under this Code by the Building Commissioner, Planning Director, or other authorized administrative official, board, commission, or department of the City may file an Appeal thereof with the Board of Zoning and Building Appeals.

Such actions shall include denial of a Certificate of Compliance, Certificate of Occupancy, Certificate of Appropriateness, Building Permit, or other permit or certificate based on noncompliance with the regulations of this Code.

The following shall not be subject to appeal to the Board of Zoning and Building Appeals:

- A. actions of the City Council
- B. actions of the Board of Zoning and Building Appeals
- C. Advisory Action and advisory recommendations of any committee, commission, board, official, or staff to another official or body.

City Council and Board of Zoning and Building Appeals actions may be appealed to the Court of Common Pleas.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (c) Appeals / (3) Approval Process**

***(3) Approval Process***

**A. Notice of Appeal**

1. Filing Deadline

A Notice of Appeal shall be filed with the Building Commissioner within 10 days of the date of the action being appealed.

2. Contents

The Notice shall contain:

- a. The name, address, and telephone number of the party filing the Appeal
- b. The location of the property affected by the action being appealed
- c. A numerical citation of the regulation governing the action appealed
- d. A statement of the grounds on which the Appeal is based
- e. The Findings of Fact or reason given by the official or body on which the action was based
- f. A brief summary of the factual evidence upon which the Appeal is based
- g. A plot plan and verbal description of the use affected by the action being appealed.

**B. Stay of Proceedings**

The filing of a Notice of Appeal shall stay all proceedings in furtherance of the action appealed unless the Building Commissioner certifies to the Board of Zoning and Building Appeals that in his or her judgment a stay would cause imminent peril to life, health, or property.

In such case, no proceedings shall be stayed without issuance of a restraining order by the Board or a court of record.

**C. Action by Board**

The Building Commissioner shall transmit to the Board upon receipt the Notice of Appeal and the complete record of the decision appealed. The Board shall set a reasonable time for a meeting to consider the Appeal.



Within 30 days of the conclusion of the meeting, the Board shall take final action on the Appeal in conformance with the Approval Criteria in Table 1310E.

The Board may affirm, modify, or reverse the action appealed, subject only to judicial review. To this end the Board shall have all the powers of the party whose action was appealed, including the power to direct the issuance of a certificate or permit.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03 Adjustments / Table 1310E: Approval Criteria for Appeals**

**Table 1310E: Approval Criteria for Appeals**

The Board shall sustain an Appeal and reverse or modify an action appealed only if it finds that the action was an error not in conformance with applicable regulations of this Code by virtue of being:

1. based on erroneous interpretation of those regulations, or
2. based on an erroneous finding of a fact material to the action taken under the regulations, or
3. an abuse of the discretion allowed under the regulations, or
4. clearly not in conformance with applicable Approval Criteria or other provisions of the regulations.

If the Board finds that the action appealed was undertaken in full compliance with applicable regulations, it shall sustain the action and deny the Appeal even if it finds the action or the regulation to be objectionable.

The Board may recommend to the Planning Commission or City Council that the regulations be amended if it finds certain provisions to be undesirable, but it shall not sustain an Appeal as an alternative to such amendment.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03 Adjustments / (d) Changes to Properties With Nonconformities**

**(d) Changes to Properties With Nonconformities**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03 Adjustments / (d) Changes to Properties With Nonconformities / (1) Purpose**

**(1) Purpose**

In an older city like Barberton in which much development preceded modern land use

regulations, certain determinations of the extent to which Nonconformities with current regulations should be eliminated can more equitably be made on the basis of case-by-case review than by an inflexible general rule.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (d) Changes to Properties With Nonconformities / (2) Applicability  
(2) *Applicability***

When any of the actions specified in Table 1340A of Chapter 1340, Nonconformities, requires a decision by the Board of Zoning and Building Appeals on required elimination of Nonconformities, the owner of the affected property shall file an application with the Board.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (d) Changes to Properties With Nonconformities / (3) Approval Process  
(3) *Approval Process***

The process for approval of changes to properties with Nonconformities shall be as provided in Chapter 1320. Approval Criteria shall be as provided in Table 1310F.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / (d) Changes to Properties With Nonconformities / (4) Action by Board  
(4) *Action by Board***

The Board may require that all Nonconformities be completely eliminated, that some Nonconformities be completely or partially eliminated, or that no Nonconformities be reduced or eliminated.

The Board may make its approval of a proposed action subject to such conditions as it deems necessary.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.03  
Adjustments / Table 1310F: Approval Criteria for Changes to Properties With  
Nonconformities**

**Table 1310F: Approval Criteria for Changes to Properties With Nonconformities**

A Nonconformity on a nonconforming property shall be eliminated or reduced to the extent the Board of Zoning and Building Appeals determines reasonable.

The Board shall base its determination on such of the factors in this table as may in its judgment apply.

**1. Effect on Nonconformity**

The extent to which the requested action will reduce or increase the extent of nonconformity and make the property more nearly conforming or more nonconforming.

**2. Effect on Incompatibility**

The extent to which the action will otherwise reduce or increase incompatibility with the property's surroundings as related to the Approval Criteria for Conditional Uses in Table 1310D.

**3. Prevalence of Nonconformity**

The degree to which the Nonconformity is prevalent among properties in the environs and the extent to which its elimination might make the property less rather than more compatible therewith.

**4. Perceptible Adverse Effects**

The degree to which the Nonconformity is noticeable to the public and produces significant adverse effects on the environment of the area.

**5. Effect on Useful Life**

The extent to which the requested action will tend to significantly prolong or reduce the useful physical or economic life of the Nonconformity or otherwise delay or accelerate its eventual elimination.

**6. Investment in Nonconformity**

The amount of investment in the Nonconformity, the normal useful life thereof, and the amount of benefit already realized therefrom.

**7. Legal Obligations**

The existence of leases or other legal obligations governing the continuation of the Nonconformity and the existence of contingency provisions permitting termination of such obligations.

**8. Physical Feasibility**

The feasibility of eliminating the Nonconformity without relocation of sound major structures or acquisition of additional land.

**9. Financial Feasibility**

The feasibility of eliminating the Nonconformity without expense disproportionate to the cost of the proposed action.

## 10. Parking

The impact of the action on the need for off-street parking and the degree to which it is possible to eliminate any parking Nonconformity.

## 11. Conformity With Plan

The extent to which the requested action is supported by the adopted Barberton Comprehensive Plan despite present zoning that may not support it.

## 12. Hardship

The degree to which requiring elimination of the Nonconformity in conjunction with the requested action would impose undue hardship upon the property owner or user because of the inability of the property to be reasonably used without the Nonconformity.

### **Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.04 Staff Approvals**

## **1310.04 Staff Approvals**

### **Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.04 Staff Approvals / (a) Temporary Uses**

#### **(a) Temporary Uses**

### **Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.04 Staff Approvals / (a) Temporary Uses / (1) Purpose**

#### ***(1) Purpose***

Uses not in conformance with the provisions of this Code may provide a public benefit without significant detriment to the public welfare if they are established only for limited durations. In such cases full compliance with regulations for permanent uses may be unnecessary. This division allows uses not in compliance with regulations applicable to permanent uses to be established as Temporary Uses.

### **Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.04 Staff Approvals / (a) Temporary Uses / (2) Applicability**

*(2) Applicability*

**A. Permit Required**

Except as specifically exempted therefrom, no Temporary Use not in full compliance with the provisions of this Code applicable to permanent uses shall be established or maintained without a currently valid Temporary Use Permit. Such Permits shall be issued by the Building Commissioner in accordance with Table 1310G and other provisions herein. No Certificate of Compliance shall be required for Temporary Uses.

A Temporary Use not in compliance with any provision of these regulations shall be considered a permanent use and shall be subject to all regulations applicable to permanent uses.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.04 Staff Approvals / (a) Temporary Uses / (3) Approval Process**

*(3) Approval Process*

A complete and correct application for a Temporary Use Permit shall be filed with the Building Commissioner at least 30 days before the establishment of the use. The application shall include an identification of the property and the type and proposed starting and ending dates of the use. It shall be accompanied by the applicable filing fee.

The Building Commissioner or Board of Zoning and Building Appeals may deny such a Permit or any renewal thereof or approve it subject to any restrictions, time limits, or conditions found necessary to conform to the Approval Criteria of Table 1310G. Within 7 days of application or of a decision by the BZBA, where required, the Commissioner shall either issue or deny a Permit.

The Permit shall set forth any conditions to which it is subject. The permittee shall display the Permit within plain view on the premises of the Temporary Use for the duration of the Use.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.04 Staff Approvals / (a) Temporary Uses / (4) Term of Permit**

*(4) Term of Permit*

**A. Initial Term**

A Temporary Use Permit may be issued:

1. by the Building Commissioner, for a period ending not later than 60 calendar days--or 3 calendar days in the case of a yard sale--from the date of the establishment of the use, or

2. by the Board of Zoning and Building Appeals, for a period ending not later than 180 calendar

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days from date of Permit issuance.

3. for yard sales, no more than 6 times in a calendar year to the same household.

## **B. Renewal**

### 1. Renewal Period

A Permit may be renewed at its expiration:

- a. by the Commissioner, for a period not longer than 60 days from the expiration date, or
- b. by the Board, for a period not longer than 180 days from the expiration date.

A Permit for a yard sale shall not be renewed.

### 2. Maximum Duration

A Permit may be renewed for a cumulative total, including the original term thereof:

- a. by the Commissioner, of no more than 180 days from the date of the establishment of the use, or

- b. by the Board, of no more than 360 days from the date of the establishment of the use.

Application by the permittee for a new Permit within 60 days after the expiration of a Permit for the same use on the same property shall be considered a renewal of the previous Permit.

## **Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.04 Staff Approvals / (a) Temporary Uses / (5) Partial Compliance Upon Renewal** ***(5) Partial Compliance Upon Renewal***

As a condition of Permit renewal, the Building Commissioner or Board may require partial compliance with regulations that would be applicable if the Temporary Use were a permanent use if such compliance is deemed necessary to make the use compatible with its environs. The Commissioner or Board may require progressively greater compliance with each subsequent renewal.

## **Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.04 Staff Approvals / (a) Temporary Uses / (6) Special Temporary Uses** ***(6) Special Temporary Uses***

Temporary Uses shall conform to provisions of any City regulations applying to special types of Temporary Uses in addition to the requirements of this section.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.04 Staff Approvals / Table 1310G: Approval Criteria for Temporary Uses**

**Table 1310G: Approval Criteria for Temporary Uses**

**1. No Permanent Exception to Normal Requirements**

The Temporary Use is not likely to create longterm or permanent conditions in conflict with applicable City development regulations governing permanent uses.

**2. Easily Terminated**

The use is of such a nature as to be easily and inexpensively terminated if termination is required or if any condition to which the Temporary Use Permit is made subject is not maintained.

Any permanent structures installed for the Temporary Use are suitable for conversion to permanent uses allowed under applicable City regulations.

**3. Not Alternative to Other Approval**

The Temporary Use Permit is the most suitable device to grant a use temporary relief from regulatory requirements and does not serve as an alternative to a Variance, amendment, Conditional Use, or other approval for a use that is likely to remain permanently.

**4. Not Alter Local Character**

The Temporary Use will not permanently alter the essential character of the locality nor substantially and permanently impair environmental quality, property values, or public safety or welfare in the vicinity.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.04 Staff Approvals / (b) Interpretations**

**(b) Interpretations**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.04 Staff Approvals / (b) Interpretations / (1) Purpose**

*(1) Purpose*

Because no set of written regulations can be specific enough to anticipate all circumstances, the intent of general rules as applied to particular situations will occasionally require interpretation.

To avoid unnecessary delay, the procedure herein for determining interpretations is intended to

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be as expeditious as possible.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.04 Staff Approvals / (b) Interpretations / (2) Applicability**

***(2) Applicability***

Any party may request from the Building Commissioner an interpretation of any provision of this Code, including the Zoning District Map.

The Commissioner may also make such interpretations in the absence of a specific request as he or she determines necessary to administer the regulations.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.04 Staff Approvals / (b) Interpretations / (3) Approval Process**

***(3) Approval Process***

In consultation with the Director of Law, the Building Commissioner may determine interpretations of ambiguities in the text of the regulations or the Zoning District Map. Such interpretations shall be subject to Appeal as provided in division 1310.03(c).

No interpretation shall be made that is contrary to:

A. rules of interpretation or definitions in Chapters 1360, Definitions, or

B. rules of interpretation of Zoning District Map boundaries in division 1110.01(b)(1),

or

C. other applicable regulations.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.04 Staff Approvals / (c) Unlisted Uses Similar to Listed Uses**

***(c) Unlisted Uses Similar to Listed Uses***

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.04 Staff Approvals / (c) Unlisted Uses Similar to Listed Uses / (1) Purpose**

***(1) Purpose***

No set of regulations can list all land uses that may exist or may come into existence in the future.



Unnecessary costs and delays are imposed by requiring approval of a text amendment to this Code prior to the establishment in a zoning district of an unlisted use that is similar to a use already listed as allowed in that district. The provisions of this division allow such uses to be established with minimal cost and delay.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.04 Staff Approvals / (c) Unlisted Uses Similar to Listed Uses / (2) Applicability**

***(2) Applicability***

A use may be determined to be similar to a listed use in a particular Use Group in Chapter 1130 only if it is not listed as a Permitted or Conditional Use in any other Use Group.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.04 Staff Approvals / (c) Unlisted Uses Similar to Listed Uses / (3) Approval Process and Criteria**

***(3) Approval Process and Criteria***

A permanent use not established as a Permitted or Conditional Use in a zoning district, shall be allowed therein if it is determined by the Planning Director to be essentially similar to any listed use in that district with respect to:

- A. types of goods or services produced or sold, and
- B. generation of automobile, truck, or pedestrian traffic, and
- C. hours of operation, and
- D. general effect upon its environs.

Uses determined to be similar to listed Conditional Uses shall be subject to the approval of a Conditional Use Permit. All regulations applicable to a listed use shall also apply to an unlisted use to which it is judged similar.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.05 Subdivision Approvals**

**1310.05 Subdivision Approvals**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.05**

**Subdivision Approvals / (a) Purpose**

**(a) Purpose**

The City Planning Commission shall have the power to approve plats of subdivisions within or to be annexed to the City in order to:

- (1) promote the orderly layout and appropriate use of land
- (2) prevent the creation of unbuildable lots or lots that do not conform to this Code
- (3) assure continuity of streets and other facilities between neighboring subdivisions, and
- (4) assure provision of improvements that reduce environmental problems and provide for the needs generated by new developments.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.05  
Subdivision Approvals / (b) Applicability**

**(b) Applicability**

No lot, tract, or parcel of land within the City shall be transferred before a Major Subdivision or Minor Subdivision has been approved hereunder and recorded. Neither description of such property by metes and bounds in the deed of transfer nor the absence of public streets or other public areas shall constitute an exception to this requirement.

No division of land within the City shall be submitted for recording with the Summit or Wayne County Recorder, as applicable, that has not been approved as provided herein.

No construction or installation of improvements in a subdivision shall begin before approval of a Preliminary Plat or Minor Subdivision.

Approval of Preliminary Plats and Final Plats shall be required for Major Subdivisions, as defined herein. Approval under a simplified approval process shall be required for Minor Subdivisions, as also defined herein.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.05  
Subdivision Approvals / (c) Site Condos and Coops**

**(c) Site Condos and Coops**

Site condominiums and site cooperatives, as defined herein, are not subject to subdivision approval

hereunder but are subject to Site Plan Review approval under Section 1310.07.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.05  
Subdivision Approvals / (d) Exemptions**

**(d) Exemptions**

The following shall not require approval as a subdivision hereunder:

- (1) public acquisition of land for the widening of existing streets
- (2) any combination of existing lots of record or portions thereof that does not create any new or residual parcel smaller in lot width or lot depth than any existing lot
- (3) vacation of alleys along which 50 percent or more of abutting lots are developed
- (4) vacation of unimproved easements for public travel, of pedestrian ways, and partial street vacations.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.05  
Subdivision Approvals / (e) Minor Subdivisions**

**(e) Minor Subdivisions**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.05  
Subdivision Approvals / (e) Minor Subdivisions / (1) Qualification for Filing**

***(1) Qualification for Filing***

A subdivision of land may be approved as a Minor Subdivision under authority of Section 711.131 of the Ohio Revised Code if the parcel to be divided is:

- A. located along an existing public street, and
- B. does not involve the opening, widening, or extension of any street, and
- C. does not create more than five lots, including the parent lot, after it is completely subdivided, and
- D. does not involve the installation of any public utility.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.05**

**Subdivision Approvals / (e) Minor Subdivisions / (2) Minor Subdivisions for Model Homes**  
***(2) Minor Subdivisions for Model Homes***

A portion of a Major Subdivision may be filed as a Minor Subdivision for the purpose of early construction of model homes. Such a Minor Subdivision shall be filed and may be approved at the same time as the Preliminary Plat for the Major Subdivision.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.05**  
**Subdivision Approvals / (f) Planned Unit Developments**

**(f) Planned Unit Developments**

Subdivisions filed as Planned Unit Developments under Section 1310.06 may be granted relief from the requirements of this Code as provided therein.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.05**  
**Subdivision Approvals / (g) Plat Vacation and Resubdivision**

**(g) Plat Vacation and Resubdivision**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.05**  
**Subdivision Approvals / (g) Plat Vacation and Resubdivision / (1) Vacation**  
***(1) Vacation***

Vacations of plats or parts thereof shall be approved by the Planning Commission after a copy of the plat to be vacated and an instrument declaring such vacation has been filed with the Commission. Plat vacations shall be subject to Section 711.17 et. seq. of the Ohio Revised Code. Approved vacating instruments shall be recorded with the County Recorder.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.05**  
**Subdivision Approvals / (g) Plat Vacation and Resubdivision / (2) Resubdivision**  
***(2) Resubdivision***

To resubdivide a recorded subdivision or part thereof, the old plat or portion shall be vacated and the new plat or portion approved under procedures for new subdivisions herein. The vacating declaration and the resubdivision plat may be filed and acted upon simultaneously. Approved resubdivisions shall be recorded, as applicable, with the Summit or Wayne County Recorder.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.05  
Subdivision Approvals / (h) Approval Process**

**(h) Approval Process**

The approval processes for Preliminary Plats, Final Plats, and Minor Subdivisions shall be as provided in Chapter 1320, Approval Procedures. Approval Criteria shall be as provided in Table 1310H.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.05  
Subdivision Approvals / Table 1310H: Approval Criteria for Preliminary Plats and Minor  
Subdivisions**

**Table 1310H: Approval Criteria for Preliminary Plats and Minor Subdivisions**

**1. Comprehensive Plan**

The subdivision is in conformity with the Comprehensive Plan of the City.

**2. Planning Standards**

The subdivision exhibits conformity with the planning standards set forth in Sections 1240.02 through 1240.08.

**3. Improvements Standards**

The subdivision conforms to the standards for improvements of Section 1240.09.

**4. Other Regulations**

The subdivision conforms to all other applicable provisions of this Code.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.06  
Planned Unit Development**

**1310.06 Planned Unit Development**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.06  
Planned Unit Development / (a) Purpose**

**(a) Purpose**

The provisions of this section are intended for special situations in which:

(1) adequate space, light, air, and other objectives of this Code relating to public health, safety, and welfare can be achieved through skillful planning without literal application of the detailed regulations otherwise applicable, and

(2) special amenities and benefits to the City beyond those otherwise required by City regulations--and the development of properties with special constraints such as environmental sensitivity or by-passed infill parcels--can be achieved by allowing more flexible planning than is otherwise allowed by such regulations.

These objectives can be accomplished where:

(1) a substantial area of land is planned for development as a single integrated unit, and

(2) its planning is subject to more detailed review by the City than is usually required, and

(3) its development is governed by a specific plan rather than by generally applicable verbal regulations and quantitative standards.

The objective of Planned Unit Development (PUD) is therefore not simply to allow exceptions to otherwise applicable regulations. It is instead to make possible a higher level of urban environmental quality than can be achieved under the normal development requirements.

It is accordingly the intent of the City to suspend the application of detailed land use regulations as provided herein only where such special quality is achieved. In this way the City may grant the cre-ative developer a desirable flexibility and at the same time not only protect but enhance the welfare of the residents and other users of a development and the rest of the community.

Approval under this section is a privilege to be earned and not a right that can be claimed. Exceptions to the normal regulations are not granted automatically but only upon a finding that they will result in a superior development. Provision of amenities such as landscaping, open space, or recreational features that meet only the minimum requirements of this Code shall not be the basis for approval hereunder.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.06  
Planned Unit Development / (b) Eligibility for Filing**

**(b) Eligibility for Filing**

A Planned Unit Development may be residential, commercial, office, institutional, industrial, or a

combination thereof. It may be developed in any district in which PUD's are allowed.

No development shall be filed as a Planned Unit Development unless it:

- (1) is at least 3 acres in size, and
- (2) contains 2 or more detached principal use buildings, and
- (3) is initially under the same ownership or control.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.06  
Planned Unit Development / (c) Special Incentives**

**(c) Special Incentives**

To further a superior level of planning and amenity in new development, the incentives provided herein are offered in Planned Unit Developments.

Flexibility to suspend normal regulatory requirements is not conferred as a right but is subject to a finding by the City that the objectives of these provisions will be served thereby. Exceptions in a PUD shall not be considered as Variances and shall not be required to conform to the Approval Criteria therefor.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.06  
Planned Unit Development / (c) Special Incentives / (1) Varied Development Standards**

***(1) Varied Development Standards***

Except as restricted by paragraph 1310.06(d)(4), standards for number of principal buildings per lot, lot area, lot area per dwelling unit, lot width, building height, floor area ratio, yard dimensions, blocks, and the like may vary from those established elsewhere in this Code.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.06  
Planned Unit Development / (c) Special Incentives / (2) Varied Improvement Standards**

***(2) Varied Improvement Standards***

Dimensional and design standards and guidelines for allowable and mandated improvements--such as for streets, off-street parking and loading areas, landscaping and screening, signs, and sidewalks but not improvement construction specifications---may vary from standards established in this Code.

All utility layout and pavement construction plans shall be reviewed by the City Engineer.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.06  
Planned Unit Development / (c) Special Incentives / (3) Mixed Land Uses  
(3) *Mixed Land Uses***

Land uses other than those allowed as Permitted or Conditional Uses in the applicable zoning district may be permitted on up to 10 percent of the net site area in Residential Districts and 20 percent in other districts.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.06  
Planned Unit Development / (d) Special Requirements**

**(d) Special Requirements**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.06  
Planned Unit Development / (d) Special Requirements / (1) Site Plan Approval  
(1) *Site Plan Approval***

Whether or not a land subdivision is involved, Site Plan approval under Section 1310.07 shall be required.

All development in a PUD shall be in conformity with a Final Site Plan approved as provided in Table 1320A.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.06  
Planned Unit Development / (d) Special Requirements / (2) Quality of Planning  
(2) *Quality of Planning***

To be granted the flexibility permitted hereunder, a development shall evidence a level of integrated planning and environmental quality that substantially exceeds that otherwise required by this Code.

Among the features that may evidence such quality are:

A. siting of buildings and other facilities in greater harmony with the natural characteristics of the land, such as wooded areas, natural drainageways, or areas of sensitive or valuable environmental character

B. superior buffering of uses within and adjacent to the development from incompatible uses



- C. the amount or quality of landscaping
- D. the amount, quality, or interconnectedness of common open space
- E. provision of pedestrian, jogging, or bicycle paths separated from streets
- F. preservation of drainageways and other natural features
- G. provision of public or common recreational facilities
- H. creative adaptation of a by-passed infill parcel to the character of its environs
- I. enclosed, underground, depressed, or outstandingly landscaped parking areas
- J. varied setbacks or other measures to reduce monotony in design
- K. preservation of historically or architecturally significant sites or structures
- L. unusual development planning features that further energy conservation, pollution control, crime prevention, social interaction, or other desirable community objectives
- M. other special features determined by the Planning Commission or City Council to enhance the environment of the development.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.06  
Planned Unit Development / (d) Special Requirements / (3) Not Detrimental  
(3) *Not Detrimental***

Despite exceptions granted to normally applicable regulations, the Planning Commission and City Council shall determine that neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, impair property values or environmental quality in the neighborhood, impede the orderly development of surrounding property.

They shall further determine that the PUD will not be detrimental to the public health, safety, or general welfare to a substantially greater degree than development allowed under normally applicable regulations.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.06  
Planned Unit Development / (d) Special Requirements / (4) Specific Standards  
(4) *Specific Standards***

**A. Maximum Density**

Residential density on any lot in a PUD may exceed that permitted by the applicable zoning district. Except that the overall number of dwelling units in the development and each phase thereof shall not exceed by more than 35 percent the number allowed by the regulations of the applicable district.

Land area devoted to new permanent common or public open space provided as part of a development within its residential areas may be included as residential lot or site area for purposes of density calculations.

There shall not be counted as open space for this purpose land covered by buildings or devoted to streets, parking, loading, service, refuse disposal, storage, vehicular maneuvering or circulation, or 50 percent of wet and 25 percent of dry storm-water retention or detention basins.

### **B. Building Separation**

There shall be a minimum horizontal separation between all detached buildings equivalent to:

1. 10 feet between one- or two-story buildings only, or
2. one-half the height of the taller building in all other cases.

Greater separations may be required where necessary to conform to applicable Approval Criteria of Table 1310I.

### **C. Yards**

Where the normal definitions of yards do not apply, the Site Plan shall either:

1. designate which open spaces on the property are to be treated as front, corner side, interior side, or rear yards for purposes of the provisions on allowable yard obstructions in Chapter 1140, Accessory Uses and Yards, or
2. be accompanied by homeowners or condominium association covenants or other legal instruments governing such obstructions.

## **Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.06 Planned Unit Development / (e) Approval Process**

### **(e) Approval Process**

Preliminary and Final Site Plans for Planned Unit Developments shall be acted upon only in conformance with:

- (1) the regulations of this section, and
- (2) the Site Plan Review regulations of Section 1310.07, and
- (3) the Approval Process provided in Chapter 1320, and
- (4) the Approval Criteria for Site Plans provided in Table 1310I.

No permit or certificate for a PUD or phase thereof shall be issued before approval of a Final Site Plan therefor.

No construction or installation of improvements in a PUD shall begin before approval of a Preliminary Site Plan as provided herein.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.07 Site Plan Review**

**1310.07 Site Plan Review**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.07 Site Plan Review / (a) Purpose**

**(a) Purpose**

In certain special cases, conformance to the specific requirements herein may not be sufficient to assure that new development conforms to the purposes of this Code.

In such cases, discretionary approval of development site plans for conformance to principles of good planning may be necessary in addition to review of such plans for compliance with specific regulations. Site Plan Review, as provided herein, offers a mechanism for such discretionary approval.

Site Plan Review is intended for special situations in which development projects can create significant adverse impacts on their surroundings that can better be managed by case-by-case plan review than by prescriptive regulations. Its purpose is to prevent or reduce such impacts through approval of individual site development configurations.

Site Plan Review may add to the requirements of normal City regulations special requirements found to be necessary to assure compatibility with surrounding land uses, thoroughfares, environmental character, and public services.

Developments to which this section applies shall be regulated by both:

- (1) the specifics of an approved Site Plan, and
- (2) all requirements of applicable City regulations except where exceptions have been approved through Planned Unit Development or Variance provisions.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.07 Site Plan Review / (b) Applicability**

**(b) Applicability**

Except as exempted herein, actions requiring a Building Permit shall conform to the requirements of this section if they:

- (1) establish more than one principal building on a lot, or
- (2) establish a manufactured home park, as defined herein, or
- (3) are filed as a Planned Unit Development under Section 1310.06, or
- (4) establish a site condominium or site cooperative, both as defined herein, or
- (5) are otherwise required by City regulations to be approved under Site Plan Review.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.07 Site Plan Review / (c) Approval Process**

**(c) Approval Process**

Site Plans shall be filed and acted upon only in conformance with the Approval Process provided in Chapter 1320, the submission requirements of Tables 1320B and 1320C and the Approval Criteria of Table 1310I.

Site Plans may be submitted for Multi-Stage Review under division 1320.02(d)(5).

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.07 Site Plan Review / Table 1310I: Approval Criteria for Site Plans**

**Table 1310I: Approval Criteria for Site Plans**

**1. Consistent With City Plan**

The development is generally consistent with the objectives of the Comprehensive Plan as viewed in light of any changed conditions since its adoption.

## **2. Circulation**

Streets, sidewalks, pedestrian ways, bicycle paths, and off-street parking and loading are provided as appropriate to planned land uses.

They are adequate in location, size, capacity, and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks, and snow plows, as appropriate, without blocking traffic, creating excessive pedestrian-vehicular conflict, creating unnecessary through traffic within the development, or unduly interfering with the safety or capacity of adjacent streets.

## **3. Open Spaces and Landscaping**

The size, shape, and location of a substantial portion of any public or common open space in residential areas render it usable for recreation purposes.

Open space between all buildings is adequate to allow for reasonable light and air, access by fire fighting equipment, and for privacy where walls have windows, terraces, or adjacent patios. Open spaces or other measures along the perimeter of the development protect existing and permitted future uses of adjacent property from adverse effects of the development.

## **4. Covenants**

Adequate provision has been made in the form of deed restrictions, homeowners or condominium associations, or the like for:

A. the preservation and regular maintenance and repair of any open spaces, thoroughfares, utilities, water retention or detention areas, and other common elements not to be dedicated to the City or another public body, and

B. such control of the use and exterior appearance of individual structures, if any, as is necessary for continuing conformance to the approved Plan, such provision to be binding on all future ownerships.

## **5. Public Services**

The land uses, intensities, and phasing of the development are consistent with the anticipated ability of the City, the Barberton Public Schools, and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools, and other public facilities and services without placing undue burden on existing residents and businesses.

## 6. Phasing

Each phase of the development of the property can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations even if no subsequent phase should ever be completed.

The provision and improvement of public or common area improvements, open spaces, and amenities---or the provision of guarantees of their improvement---are phased generally proportionate to the phasing of the number of dwelling units and/or amount of non-residential floor area.

### **Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.08 Certificates of Appropriateness**

## **1310.08 Certificates of Appropriateness**

### **Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.08 Certificates of Appropriateness / (a) Purpose**

#### **(a) Purpose**

To further only those environmental changes within the PO Preservation Overlay District that are consistent with the purposes of the District, the Design Review Board shall review applications for Certificates of Appropriateness therein.

### **Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.08 Certificates of Appropriateness / (b) When Required**

#### **(b) When Required**

A Certificate of Appropriateness shall be required prior to any alteration, as defined herein, that causes a visual change, as also defined herein, on any property located in the PO District.

Except as exempted under division (c), no Certificate of Compliance, Demolition Permit, or any other City permit or certificate shall be issued for such alteration prior to approval of a Certificate of Appropriateness.

The Design Review Board may establish such specific submission requirements for applications for Certificates of Appropriateness as it determines are required to judge conformance of a proposed

action with the Approval Criteria of Table 1310J.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.08  
Certificates of Appropriateness / (c) Exemptions**

**(c) Exemptions**

No Certificate of Appropriateness shall be required for the alterations specified in this division.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.08  
Certificates of Appropriateness / (c) Exemptions / (1) Routine Maintenance**

***(1) Routine Maintenance***

Routine maintenance and repair that does not in the judgment of the Planning Director involve a significant visual change, as defined herein, shall be exempt.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.08  
Certificates of Appropriateness / (c) Exemptions / (2) Mandated Alterations**

***(2) Mandated Alterations***

Alterations mandated for reasons of public health, safety, or protection of property by the City or any other authorized government body and approved for exemption by the Planning Director shall be exempt.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.08  
Certificates of Appropriateness / (c) Exemptions / (3) Casualties**

***(3) Casualties***

Alterations occasioned--whether at one time or gradually over an extended period--by natural causes, acts of God, accidents, vandalism, normal deterioration with age, and other casualties shall be exempt.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.08  
Certificates of Appropriateness / (c) Exemptions / (4) Emergency Alterations**

***(4) Emergency Alterations***

Alterations shall be exempt that in the judgment of the Building Commissioner must be taken before a Certificate of Appropriateness could be approved in order to prevent:

A. an immediate peril to public health or safety, or

B. serious damage to a property that has already been damaged or is otherwise at risk of such damage.

Such alterations shall be confined to the minimum necessary to prevent such peril or damage.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.08  
Certificates of Appropriateness / (d) Action on Application**

**(d) Action on Application**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.08  
Certificates of Appropriateness / (d) Action on Application / (1) Approval Process**

***(1) Approval Process***

Actions taken on Certificates of Appropriateness shall conform to the approval process provided in Chapter 1320.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.08  
Certificates of Appropriateness / (d) Action on Application / (2) Limits on Compatibility  
Required**

***(2) Limits on Compatibility Required***

The determinations of the Design Review Board based on Table 1310J shall conform to the limitations herein.

A. Not Deprive of Reasonable Use

The determinations shall not deprive the property owner of reasonable use of and a reasonable return, as defined herein, from the property.

Such use and return shall be based on the current or, if vacant, most recent viable use of the property and not on any prospective new use that might yield a greater utility or return.

B. Not Impose Financial Hardship

The determinations shall not impose a financial hardship on the property owner or user in light of the costs to the property owner, the availability and probability of approval of financial assistance therefor from the City of Barberton or other sources, the costs of continuing maintenance, and the financial resources of the property owner or user. Mere reduction in financial return or increase



in costs shall not be considered hardship.

C. Not Impair Economic Functioning

The determinations shall preserve or enhance, and not unreasonably impair, the economic functioning of any portion of the District lawfully used or zoned for business use.

D. Not Require Uniformity

Uniformity of design shall not be required in order to achieve compatibility. Nor shall such contemporary design as may be visually compatible in a particular location with a historic environment be disapproved.

E. Not Abridge Underlying Zoning

Compatibility shall be judged solely on the basis of historic factors and not on the basis of land use, site planning, or intensity allowances already conferred by the underlying zoning district, other provisions of this Code, or a Planned Unit Development approval.

Significant reduction or elimination of any development right conferred by this Code--such as allowable land use, building height, or Floor Area Ratio--shall not be required of the applicant as a condition of approval.

F. Not Based on Personal Preference

Judgments of visual compatibility hereunder shall be based on generally accepted principles of applicable design professions and/or documented historic styles. They shall not represent a substitution of the personal taste or preferences of the members of the Design Review Board or their professional advisors for those of the applicant or his or her design professionals.

G. Standard for Secondary Properties

For secondary properties, as defined herein, the Board shall require a lesser standard of consistency and compatibility, especially with respect to preservation of the property's existing character.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.08  
Certificates of Appropriateness / (d) Action on Application / (3) Changes Required for  
Approval**

***(3) Changes Required for Approval***

The Design Review Board shall not disapprove a Certificate of Appropriateness without also specifying in writing to the applicant the changes in the proposal that would make it conform to the

applicable Approval Criteria herein.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.08  
Certificates of Appropriateness / (d) Action on Application / (4) Appeal  
(4) Appeal**

An applicant or other party may appeal a Final Action decision to approve, conditionally approve, or not to approve a Certificate of Appropriateness to the Board of Zoning and Building Appeals in accordance with the provisions on Appeals in division 1310.03(c).

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.08  
Certificates of Appropriateness / (d) Action on Application / (5) Landscaping Not Prohibited  
(5) Landscaping Not Prohibited**

No provision of this Section shall be interpreted as authorizing or allowing the prohibition of the planting of trees, shrubs, grass, or other ground cover in any PO District, whether or not such landscaping existed during any historical period.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.08  
Certificates of Appropriateness / Table 1310J: Approval Criteria for Certificates of  
Appropriateness**

**Table 1310J: Approval Criteria for Certificates of Appropriateness**

**1. Consistency Required**

The proposed action is generally consistent with:

A. the objectives of the citywide Preservation Plan adopted by the City Council, as viewed in light of any changes in the area of the sub-ject property since such adoption, and

B. applicable Design Guidelines adopted under division 1310.02(c)(6) by the City Council.

**2. Visual Compatibility Required**

A. Types of Compatibility

The proposed alteration is visually compatible, as defined herein, in its publicly visible appearance, as also defined herein, with the distinguishing surviving visual features of the historic character, as defined in the adopted Design Guidelines, of:

1. the existing property being altered, and
2. surrounding properties and adjacent public ways within the PO District, and
3. the PO District as a whole in which the property is located.

B. Elements of Compatibility

The visual compatibility required shall be judged, as applicable, with respect to the following elements of design:

1. Location, orientation, and placement
2. Height and scale
3. Proportions (e.g., of windows, doors, or sign lettering)
4. Shape (e.g., of roof or signs)
5. Materials, textures, and colors
6. Style or design character
7. Directional expression, or horizontal or vertical character
8. Open spaces, including setbacks and spacing
9. Landscaping
10. Other elements of the publicly visible appearance.

**3. Avoidance of Loss or Damage Required**

The proposed action is unlikely to result in the loss or removal of, or significant damage to, a valuable primary property that it is feasible to save or to preserve in its present location.

**4. Timely Action Required**

The property owner has demonstrated the ability and intent to take the proposed action promptly after approval of a Certificate of Appropriateness, and, in the case of a proposed demolition or relocation of a structure, to promptly establish a new permanent structure or other permanent use on the site it formerly occupied.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.09  
Mandatory Referral**

## 1310.09 Mandatory Referral

### **Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.09 Mandatory Referral / (a) Purpose**

#### **(a) Purpose**

In order to further coordinated planning consistent with the Comprehensive Plan, it is desirable that certain actions of the City government as well as actions of private property owners be reviewed by the Planning Commission.

### **Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.09 Mandatory Referral / (b) Applicability**

#### **(b) Applicability**

No action shall be taken by the City Council or any board, commission, or officer of the City on any item specified herein before such action has been referred to the Planning Commission for advisory comment.

The actions to which this provision applies are:

(1) construction or authorization of construction of any of the following or any substantial part thereof:

- A. a public building, or
- B. a public park, playground, or other public open space, or
- C. a public bridge or tunnel, or
- D. a public dock, or
- E. a publicly or privately owned utility.

(2) construction, opening, vacation, widening, narrowing, relocation, or change in the use of any public street or alley

(3) adoption of any City ordinance or regulation controlling the use or development of land, whether or not to be included in this Code

(4) annexation of land into the City or deannexation of land

(5) approval by City Council of a Joint Economic Development Zone agreement under Section 715.69 of the Ohio Revised Code

(6) provision of City sewer or water service to any property outside the City

(7) actions under any other City code or ordinance relating to a property in the PO Preservation Overlay District.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.09  
Mandatory Referral / (c) Approval Process**

**(c) Approval Process**

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.09  
Mandatory Referral / (c) Approval Process / (1) Extraordinary Majority  
(1) *Extraordinary Majority***

A decision by City Council to take an action not approved in the recommendation of the Commission shall require a two-thirds vote of the entire voting membership of City Council.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.09  
Mandatory Referral / (c) Approval Process / (2) Waiver by Mayor  
(2) *Waiver by Mayor***

The Mayor may waive the requirement for Mandatory Referral in cases of emergency or when immediate action is otherwise essential.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.09  
Mandatory Referral / (c) Approval Process / (3) Referral Notice  
(3) *Referral Notice***

The Mandatory Referral notice to the Commission shall identify the property to be affected by the proposed action, describe the action to be taken and the time such action is contemplated, and provide other information requested by the Commission.

The notice shall include a copy of any proposed ordinance or agreement involved in the action.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.09  
Mandatory Referral / (c) Approval Process / (4) Approval Process  
(4) Approval Process**

Except as otherwise provided in this section, the Mandatory Referral process shall be carried on as provided in Chapter 1320.

**Title 4 : Development Administration / Chapter 1310 Development Approvals / 1310.09  
Mandatory Referral / (d) Approval Criteria**

**(d) Approval Criteria**

The Commission shall review the proposed action for consistency with the Comprehensive Plan adopted by City Council and with any neighborhood or district plans, capital improvements programs, or other official plans or programs of the City as viewed in light of any changes in the City since adoption.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures**

## **Chapter 1320 Approval Procedures**

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**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions**

### **1320.01 General Provisions**

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (a) Applicability**

**(a) Applicability**

Except as otherwise provided herein or in Chapter 1310, the requirements of this chapter shall apply to

all applications for Development Approvals submitted under Chapter 1310.

The Advisory Action Body, Final Action Body, and Administrative Officer referenced in this chapter shall be as provided in Table 1320A.

The Review Body shall be the applicable Advisory Action Body or Final Action Body.

The Hearing Body shall be as provided in Table 1320A.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (b) Fees**

**(b) Fees**

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (b) Fees / (1) Filing Fee**

***(1) Filing Fee***

An applicant shall pay a filing fee to cover administrative costs of processing an application for a Development Approval and the expenses of Public Notice. The applicable Administrative Officer shall take no action to process the application until such fee has been paid in full.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (b) Fees / (2) Professional Service Fee**

***(2) Professional Service Fee***

An applicant shall pay a fee equal to the cost to the City of engineering, legal, planning, court reporting, or other professional work, if any, determined by the applicable Administrative Officer to be necessary to review the application.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (b) Fees / (3) Improvement Plan Review Fee**

***(3) Improvement Plan Review Fee***

An applicant for subdivision, Site Plan, Planned Unit Development, or other applicable approval shall pay a fee equal to a percentage of the cost of improvements required by Section 1240.09 as estimated by the City Engineer for the technical review of improvement plans. If the actual cost of the improvements is less than such estimate, the fee shall be recomputed at the request of the developer accompanied by evidence of actual costs and the difference shall be refunded to the applicant.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01**  
**General Provisions / (b) Fees / (4) Improvement Inspection Fee**  
*(4) Improvement Inspection Fee*

A developer shall pay a fee for inspection of the construction of improvements required by Section 1240.09 made by him or her or made by the City after his or her default. The fee shall equal the cost to the City of conducting such inspection for compliance with approved plans and specifications and applicable regulations.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01**  
**General Provisions / (b) Fees / (5) Resubmittal Fee**  
*(5) Resubmittal Fee*

An applicant reapplying for approval of any application that has previously been reviewed shall pay a resubmittal fee in lieu of paying another filing fee.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01**  
**General Provisions / (b) Fees / (6) Fee Amounts**  
*(6) Fee Amounts*

The amounts of fees shall be as determined from time to time by the City Council. A schedule of current fees shall be made available in the offices of the applicable Review Body.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01**  
**General Provisions / (c) Disclosure of Interest**

**(c) Disclosure of Interest**

The party signing the application for any Development Approval shall be considered the applicant.

An applicant must be one of the parties specified in division (d)(1) of Section 1320.02. If the applicant is not the City government, a disclosure of interest shall be filed with the application as provided herein.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01**  
**General Provisions / (c) Disclosure of Interest / (1) Applicant Is Not Fee Owner**  
*(1) Applicant Is Not Fee Owner*

If the applicant is not the fee owner of record of the subject property, the application shall



disclose the legal capacity of the applicant and the full names, addresses, and telephone numbers of all owners.

In addition, an affidavit of the fee owner(s) shall be filed with the application stating that the applicant has authority from the owner to make the application.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (c) Disclosure of Interest / (2) Applicant or Owner Is Trust  
(2) *Applicant or Owner Is Trust***

If the applicant or fee owner is a trust or trustee thereof, the full name, address, telephone number, and extent of interest of each beneficiary shall be disclosed in the application.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (c) Disclosure of Interest / (3) Applicant or Owner Is  
Corporation/Partnership**

**(3) *Applicant or Owner Is Corporation/Partnership***

If the applicant, fee owner, contract purchaser, option holder, or any beneficiary of a trust owning the subject property is a corporation, the application shall disclose the names and addresses of the corporation's officers, directors, and registered agents, or the partnership's general partners and those shareholders or limited partners owning in excess of five percent of the outstanding stock or interest in the corporation or interest shared by the limited partners.

Disclosure of present ownership shall include a statement of the name, address, and phone number of the prospective purchaser, if any.

In the event of a change in ownership between the time the application is filed and the time of the meeting or public hearing thereupon, such change shall be disclosed by affidavit no later than the time of the meeting or hearing.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (d) Conflict of Interest**

**(d) Conflict of Interest**

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (d) Conflict of Interest / (1) Voting by Interested Members**

*(1) Voting by Interested Members*

A member of any Review Body who knowingly has a direct or indirect interest in any question before that Body shall disqualify himself or herself from voting thereupon.

An indirect interest shall include an interest of the member's spouse, sibling, child, parent, in-law, or any organization with which the member holds, has held within the previous 2 years, or is in discussions concerning, any paid or unpaid office or position.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (d) Conflict of Interest / (2) Ex Parte Communications**

*(2) Ex Parte Communications*

Members of Review Bodies who, prior to the Review Body decision on an application, have communicated with parties interested in the outcome thereof or their agents, other than in an official meeting of the Review Body or a duly appointed committee thereof or as otherwise authorized in advance by the Chair, shall disclose in a public meeting of the Review Body the content of such communication prior to the vote on the application.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (d) Conflict of Interest / (3) Recommendation of Professionals**

*(3) Recommendation of Professionals*

No Review Body or any member thereof or any employee of the City shall suggest or recommend an attorney, planner, architect, engineer, or other person or organization offering professional services to an applicant or prospective applicant in connection with an application before that Body.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (d) Conflict of Interest / (4) Ethics**

*(4) Ethics*

Members of Review Bodies shall be subject to Chapter 102 and Section 2921.42 of the Ohio Revised Code and all opinions issued by the Ohio Ethics Commission.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (e) Public Hearing**

**(e) Public Hearing**

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (e) Public Hearing / (1) Applicability**

***(1) Applicability***

The provisions herein shall apply to any action that requires a public hearing under Table 1320A.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (e) Public Hearing / (2) Hearing Conduct**

***(2) Hearing Conduct***

Applicants shall have the right to have subpoenas issued by the City for persons or documents, to present witnesses, and to cross-examine all witnesses testifying at the public hearing.

The Chairman of the Hearing Body or President of Council, as appropriate, may compel the attendance of witnesses. All testimony by witnesses shall be given under oath administered by the Chairman or Council President.

All parties wishing to be heard shall be heard at least once at the hearing or a continuation thereof. Such parties may testify themselves or, at their option, be represented by an attorney, architect, engineer, planner, or other professional advisor or agent.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (f) Public Notice**

**(f) Public Notice**

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (f) Public Notice / (1) Applicability**

***(1) Applicability***

Public notice of a hearing shall be as provided herein for any action that requires a public hearing under Table 1320A.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (f) Public Notice / (2) Sign Notice (15 Days)**

*(2) Sign Notice (15 Days)*

**A. Sign Required**

The applicant shall post a sign provided by the Administrative Officer, or an equivalent sign provided by the applicant that the Officer approves, on the subject property.

The sign shall:

1. be at least 10 square feet in area, and
2. face and be readable from a public street, and
3. be no further than 20 feet from the street line, and
4. be erected no less than 15 nor more than 30 days prior to the scheduled date of the hearing, and
5. remain continuously in place until the hearing is concluded but be removed by the applicant no later than 10 days thereafter.

The Administrative Officer may provide a re-usable sign to an applicant for this purpose. He or she may require a reasonable deposit as security for the return in good condition of any such sign.

No posted sign shall be removed, tampered with, or destroyed before the conclusion of the hearing.

**B. Exceptions**

No sign shall be required for Homeowner Variances, as defined in division 1310.03(a)(6), and amendments of the Ordinance initiated by the City to rezone more than 10 parcels of land under Section 713.12 of the Ohio Revised Code.

No posting of a sign on private property shall be required if the property owner is not the applicant and is not represented by the applicant and objects to such posting.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (f) Public Notice / (3) Written Notice (15 Days)**

*(3) Written Notice (15 Days)*

**A. Applicability**

Except in the case of Amendments initiated by the City to rezone more than 10 parcels of land under Section 713.12 of the Ohio Revised Code, the Administrative Officer shall provide

written notice of a required public hearing to the parties specified herein.

**1. Land Owners**

The Officer shall notify all owners of record of each parcel of real estate included:

- a. in the subject property, or
- b. contiguous thereto or across the street therefrom, or
- c. in all other locations within  
200 feet in all directions from the boundaries thereof.

The owners of record shall be those appearing on the records of Summit or Wayne County or those who paid property taxes for the most recent year according to County records.

**2. Organizations**

The Officer shall notify organizations that have:

- a. filed written requests to be notified of applications of specified types within a geographic area specified, and
- b. renewed such request when most recently asked to do so by the  
Administrative Officer.

The Administrative Officer shall not require renewals more frequently than once a year. The City Council may establish a reasonable fee for such notifications to cover the costs thereof.

**B. Form of Service**

The written notice shall be sent by certified mail, return receipt requested, not less than 15 nor more than 30 days before the scheduled hearing date.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01  
General Provisions / (f) Public Notice / (4) Published Notice (15 Days)  
(4) *Published Notice (15 Days)***

The Administrative Officer shall cause to be published a notice of every hearing once in a newspaper of general circulation in Barberton not less than 15 days nor more than 30 days before the scheduled date thereof.

This requirement shall apply to all Amendments, including comprehensive rezoning Amendments

initiated by the City.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01**

**General Provisions / (f) Public Notice / (5) Content of Notice**

***(5) Content of Notice***

**A. Sign Notice**

A sign notice shall state:

1. the action proposed, including the zoning district, Conditional Use or specific Variance requested, and

2. the scheduled date, time, and location of the hearing, and

3. a phone number at City offices to call for further information.

It shall conform to standards for lettering size, copy, and other items that may be established by Council.

**B. Written and Published Notice**

A written notice or published notice shall contain:

1. the items of content required for a sign notice, and

2. the name of the applicant, and

3. the street address or other description of the property that will enable the ordinary reader to accurately locate it, and

4. the location where the application or proposal by the City may be examined by the public and the hours it is available for inspection, and

5. when and how the recipient of the notice may provide verbal hearing testimony or written comments.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.01**

**General Provisions / (f) Public Notice / (6) Evidence of Notification**

***(6) Evidence of Notification***

No later than the time of the hearing, the applicant shall file with the Hearing Body an affidavit stating that the requirement for sign notice herein has been fully complied with.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process**

**1320.02 Approval Process**

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (a) Applicability**

**(a) Applicability**

Except as otherwise provided herein or in Chapter 1310, the Approval Process in this section shall apply to all applications for Development Approvals authorized in Chapter 1310 except:

- (1) Temporary Uses
- (2) Interpretations
- (3) Unlisted Uses Similar to Listed Uses
- (4) Appeals
- (5) Any other approval for which a different approval process is provided.

The approval process for the excepted applications shall be as provided in Chapter 1310.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (b) Need for Approval**

**(b) Need for Approval**

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (b) Need for Approval / (1) Determination of Need for Approval  
*(1) Determination of Need for Approval***

Upon receipt of an application for a Building Permit, Certificate of Occupancy, or other permit or certificate, the Building Commissioner shall determine whether any Development Approval is required as a prerequisite thereto.

Upon determining that a permit or certificate cannot be issued without such Approval, the

Commissioner shall refer the applicant to the applicable Administrative Officer specified in Table 1320A.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (b) Need for Approval / (2) C of A and Other Approval Required**  
*(2) C of A and Other Approval Required*

If the Building Commissioner determines that both a Certificate of Appropriateness and another form of Development Approval under division 1310.01(a) are required, he or she shall advise the applicant that under division 1320.02(f)(7) Final Action must be taken to approve or conditionally approve such other Approval before Final Action may be taken on the Certificate.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (b) Need for Approval / (3) Notice to Administrative Officer**  
*(3) Notice to Administrative Officer*

Within 3 days of making his or her determination, the Commissioner shall transmit to each applicable Administrative Officer specified in Table 1320A a statement of all Development Approvals he or she has determined to be required.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (c) Pre-Filing Conference**

**(c) Pre-Filing Conference**

Informal Pre-Filing Conferences are hereby authorized as a way of avoiding delays, disputes, and unnecessary expenditures by both applicants and the City at later stages of development review.

Prior to filing an application for any Development Approval, an applicant may request a Pre-Filing Conference with the applicable Administrative Officer or, as applicable, with the Planning Commission, Board of Zoning and Building Appeals, or Design Review Board.

At the Conference, the applicant may outline his proposal and submit preliminary information. The officer, Commission, or Board shall advise the applicant concerning in what respects his or her proposal appears to conform or not conform to applicable City plans and development regulations, applicable Approval Criteria, and desired standards of planning.

Although not mandatory, a Pre-Filing Conference is strongly recommended for actions requiring:

- (1) Certificates of Appropriateness



- (2) Planned Unit Development
- (3) Approval of a Major Subdivision
- (4) Site Plan Review.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (d) Application Filing**

**(d) Application Filing**

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (d) Application Filing / (1) Who May Apply**

*(1) Who May Apply*

The petitioner for any Development Approval provided in Chapter 1310 may be:

- A. the City Council or any member thereof, or
- B. any board, commission, or agency of the City government, or
- C. any other party with a property interest in the parcel or area, or a

portion thereof, for which the approval is requested--such as the fee owner or trustee of record, trust beneficiary, lessee, contract purchaser, or option holder--or his or her agent or nominee.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (d) Application Filing / (2) Contents of Application**

*(2) Contents of Application*

Except in the case of an action proposed by the City or a board or commission thereof, any party requesting any City action to which this chapter applies shall file an application on a form provided therefor by the Administrative Officer.

Every such application shall include the applicable items provided in Tables 1320B and 1320C.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (d) Application Filing / (3) Waiver of Required Submission**

*(3) Waiver of Required Submission*

The Administrative Officer may waive any item required by Tables 1320B or 1320C in an

individual case if he or she determines the item would not be necessary for a decision on the particular application or would impose unreasonable expense or delay in relation to the nature of the action proposed.

He or she shall advise the applicable Review Bodies of items that have been waived prior to their action on the application. A Review Body may rescind the waiver and require a waived submission before acting.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (d) Application Filing / (4) Actions Requiring Multiple Approvals**  
*(4) Actions Requiring Multiple Approvals*

An applicant requiring more than one type of Development Approval as provided in division 1310.01(a)--such as a Variance and a Conditional Use--may apply concurrently for all Approvals needed, subject to the limitation on action thereupon provided in division 1320.02(f)(7).

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (d) Application Filing / (5) Multi-Stage Review**  
*(5) Multi-Stage Review*

**A. Purpose and Applicability**

The provisions in this division for Multi-Stage Review are intended for use by applicants for complex or highly discretionary approvals.

Their purpose is to defer the expenses of preparing detailed plans, drawings, studies, and legal documents until after one or more stages of preliminary approval of an application has been formally granted.

Filing for Multi-Stage Review is at the option of the applicant.

**B. Applications**

At the time of initial application, an applicant may request Multi-Stage Review of any application for Advisory Action or Final Action.

Such request shall be for one or more stages of review of a more generalized application, called Initial Review, followed by review of a detailed final application, called Official Review.

The request shall be granted unless in the judgment of the Administrative Officer the

requested Initial Review would constitute a rehearing under division 1320.02(g)(18)

An application may at the request of the applicant undergo more than one stage of Initial Review.

The Administrative Officer may refuse to accept any Initial Review application that in his or her judgment contains insufficient information for meaningful Initial Review.

An additional filing fee as determined by the City Council shall be paid for applications submitted for Multi-Stage Review.

### **C. Approval Process**

An application to which Multi-Stage Review is applicable shall go more than once through the approval steps provided in divisions 1320.02(d) through (f).

#### 1. Initial Review

The application contents required by

Tables 1320B and 1320C may for Initial Review be submitted in partial or more general or more preliminary form than these tables otherwise require. The normal requirements of these tables shall apply during Official Review except as provided by division 1320.02(d)(3).

Initial Review approval shall constitute approval only of the level of detail and completeness presented in the Initial Review application and shall not be construed as approval of any items or particulars not submitted at the Initial Review stage.

#### 2. Official Review

Official Review shall not be considered a Rehearing under division 1320.02(g)(18).

An Official Review filing may be for the entirety or for any phase or portion of a development or action given Initial Review approval.

No Certificate of Compliance shall be issued until after Official Review approval or conditional approval of an application.

The Final Action Body may rescind Initial Review approval if the applicant has failed to file within 360 days of the date of Initial Review approval or of approval of an amendment thereto either an application for Official Review approval in conformance therewith or an application for an amendment to the previous Initial Review approval. The Final Action Body may grant an extension of this time period.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (d) Application Filing / (6) Applications for Final Plats and Site Plans  
(6) *Applications for Final Plats and Site Plans***

An application for approval of a Final Plat or Final Site Plan for a Planned Unit Development shall be submitted not later than 360 days after the date of approval of the Preliminary Plat or Plan.

Any application submitted after such period shall be considered a new Preliminary Plat or Plan unless an extension is approved by the City Council.

The Final Plat or Plan filed may be for all or part of the development given Preliminary Plat or Preliminary Plan approval.

At the developer's risk, a Final Plat or Plan may be filed simultaneously with the Preliminary Plat or Plan.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (d) Application Filing / (7) Acceptance of Application  
(7) *Acceptance of Application***

The Administrative Officer shall accept an application upon determining that it is complete, accurate, and is for a Development Approval that the Review Body being petitioned is authorized hereunder to hear.

He or she shall within 10 days of filing notify the applicant of any determination that the application cannot be accepted and specify the basis for non-acceptance.

If such notification is not made within such period, the application shall be deemed accepted as of the date of expiration of such period.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (d) Application Filing / (8) Fees  
(8) *Fees***

All applications shall be accompanied by the applicable fees required under 1320.01(b).

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (d) Application Filing / (9) Docketing  
(9) *Docketing***

**Barberton Development Code**

Upon acceptance of an application, the applicable Administrative Officer shall docket the application for a hearing or meeting of the Review Body scheduled no later than 45 days thereafter.

He or she shall notify the applicant in writing of the time, date, and location thereof. Unless the applicant agrees to waive this requirement, such notice shall be sent no later than the period required for written notice in division 1320.01(f)(3), or, if no hearing is required, no less than 5 days before the meeting,

The Administrative Officer shall transmit the application to the applicable Advisory Action Body, or, if Advisory Action is not required under Table 1320A, to the applicable Final Action Body.

This paragraph shall not apply to applications for which the Building Commissioner or Planning Director is the Final Action Body.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (d) Application Filing / (10) Notice to Council and Others  
*(10) Notice to Council and Others***

Within 3 days of acceptance of the application, the Administrative Officer shall send written notice as provided in Table 1320D.

This requirement for notice shall apply whether or not a public hearing and public notice thereof are required.

The notice shall disclose the nature of the application and the date, time, and location of the meeting at which it is scheduled to be considered.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (d) Application Filing / (11) Public Examination  
*(11) Public Examination***

The application or proposed action by the City shall be available for inspection by the public in:

- A. the office of the Clerk of Council, for matters for City Council action, or
- B. the Planning Department, for matters for Planning Commission or Design Review Board action, or
- C. the Building Department, for matters for Board of Zoning and Building Appeals action.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (e) Staff Review and Assistance**

**(e) Staff Review and Assistance**

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (e) Staff Review and Assistance / (1) Planning Department Review  
(1) *Planning Department Review***

The Planning Director may, together with the Building Department and other departments, consultants, and officials of the City, prepare for the applicable Review Body a written review of any application of which the Planning Director is notified under Table 1320D.

Such review shall be made available to any interested party at the offices of the Planning Department no later than 5 days before the scheduled date of the meeting of the applicable Review Body at which the application is to be considered.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (e) Staff Review and Assistance / (2) Staff Assistance  
(2) *Staff Assistance***

The staffs of the Planning Department and Building Department may advise and assist the applicant in meeting regulatory requirements and securing Review Body approval. Unless otherwise specifically provided in this Code, they shall have no power to approve or disapprove any filing or in any way restrict the applicant's right to seek approval thereof.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (e) Staff Review and Assistance / (3) PUD Technical Review Committee  
(3) *PUD Technical Review Committee***

The flexibility of Planned Unit Development approval procedures involves less reliance on adherence to specific code provisions and greater reliance upon detailed case-by-case evaluation of a site plan. Therefore, upon receipt of an application for approval of a Preliminary Plan of a PUD, the Planning Director shall refer the application to the PUD Technical Review Committee (PTRC).

The PTRC shall be chaired by the Planning Director and shall consist of the following people or their representatives:

- A. the Service Director
- B. the Planning Director
- C. the City Engineer
- D. the Building Commissioner
- E. the Fire Chief
- F. the Utilities Director
- G. the Director of Parks and Recreation

The Committee shall not take any action in the absence of a quorum consisting of a simple majority of its membership.

The Planning Director shall notify the Planning Commission in writing of the general nature of each PUD application transmitted to the PTRC at the time of such transmittal.

The PTRC shall meet with the applicant at his or her request. It shall report to the applicant on revisions it finds necessary to the application based on the Approval Criteria of Table 1310I and generally accepted technical or professional standards or practices related thereto. It may request but not require that such revisions be made prior to transmittal to the Planning Commission.

The PTRC shall adopt by a majority of the members in attendance a recommendation to the Planning Commission to approve, conditionally approve, or disapprove the application based on the Approval Criteria of Table 1310I.

It shall transmit such recommendation in writing to the Commission and the applicant no less than 5 days before the Commission meeting at which the application is to be considered.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (f) Action on Application**

**(f) Action on Application**

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (f) Action on Application / (1) Written Comments**

***(1) Written Comments***

The Administrative Officer shall transmit to the applicable Review Body all written comments or reviews received on the application before the vote on action thereupon. Such comments shall become

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part of the written record.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (f) Action on Application / (2) Executive Session  
(2) Executive Session**

No Review Body shall deliberate or take action in executive session except as allowable by law.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (f) Action on Application / (3) Advisory Action  
(3) Advisory Action**

**A. Hearing**

Before taking action, the Advisory Action Body shall, no later than 25 days after the Administrative Officer has accepted the application, hold a hearing in conformance with divisions 1320.01(e) and (f) if so provided in Table 1320A.

**B. Report of Advisory Action**

Within 5 days after taking Advisory Action, and no less than 5 days prior to the meeting at which the application is scheduled for Final Action, the Advisory Action Body shall make its report available to:

1. the Administrative Officer of the Final Action Body, and
2. the applicant, and
3. those Councilperson(s) elected by wards in whose ward(s) the property that is the subject of the application is located and all at-large Council members, and
4. any objectors or other interested parties at their request.

The report shall consist of written Findings of Fact pertaining to the Approval Criteria provided herein for the applicable action together with a recommendation for Final Action on the application and any conditions to which such action is recommended to be made subject. The report shall include the roll call vote on the action.

The recommended action may include any modification of normal requirements that is authorized by applicable regulations.



**C. Action by Planning Director**

The Planning Director may take Advisory Action as provided in division 1310.02(f)(12).

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (f) Action on Application / (4) Planning Commission Action on PUD Preliminary Plan**

***(4) Planning Commission Action on PUD Preliminary Plan***

The Planning Commission may either approve or disapprove an initial recommendation of the PUD Technical Review Committee on a Planned Unit Development Preliminary Plan application. If the Commission disapproves the recommendation, the application shall be referred back to the Committee and the applicant for revision and/or reconsideration.

The Committee shall have 30 days from the date of the Commission's action, or any greater period mutually agreed to by the applicant and the Committee, to transmit a second recommendation to the Commission. Such recommendation shall be transmitted to the Commission and the applicant no later than 5 days before the Commission meeting at which the application is to be reconsidered. At such meeting, the Commission shall approve, conditionally approve, or disapprove the application.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (f) Action on Application / (5) Action on Final Plat or Site Plan**

***(5) Action on Final Plat or Site Plan***

A Final Plat of subdivision or a Final Site Plan shall not be disapproved with respect to any feature thereof approved in the Preliminary Plat or Preliminary Plan if such feature conforms substantially to that shown on such approved Plat or Plan.

This provision shall not prevent disapproval of a Final Plat or Plan on the basis of a substantial change from the approved Preliminary Plat or Plan or of material information first submitted with the application for a Final Plat or Plan.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (f) Action on Application / (6) Final Action**

***(6) Final Action***

**A. Prerequisite to Final Action**

The Final Action Body shall not take Final Action upon an application requiring action

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by an Advisory Action Body until either:

1. it has received a report thereupon from such Body, or
2. in the case of Mandatory Referrals, 60 days or, if approved by Council, 90 days have elapsed from the date of referral, or
3. in the case of all other actions, 45 days have elapsed from the date of acceptance of the application by the Administrative Officer.

The Final Action Body shall, before taking action, hold a hearing in conformance with divisions 1320.01(e) and (f) if a hearing is required under Table 1320A.

**B. Conditions of Approval**

Except in the case of an Amendment, the Final Action Body may make its approval subject to any conditions or restrictions it finds necessary to conform to applicable Approval Criteria. It may also set time limits within which such conditions or restrictions must be complied with.

**C. Extraordinary Council Majority**

A vote of three-fourths of the members of City Council shall be required to take any action on an Amendment different from the Advisory Action of the Planning Commission.

**D. Action on Preliminary Plan**

In taking action on a Preliminary Plan for a Planned Unit Development, City Council shall either take the action recommended by the Planning Commission or shall disapprove the Plan.

**E. Action on Plats**

Prior to Final Action on a Final Plat, the City Engineer shall submit to the Planning Commission an examination of the accuracy and closure of survey, legibility, and completeness of the drawing and proper kind and location of monuments.

The Chair and Secretary of the Planning Commission shall sign on the face of an approved Preliminary or Final Plat, noting any conditions to which the Commission's approval was made subject that have not yet been satisfied.

**F. Action by Staff**

The Planning Director or Building Commissioner may take Advisory Action as provided in division 1310.02(f)(12).

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (f) Action on Application / (7) Actions Requiring Multiple Approvals  
(7) *Actions Requiring Multiple Approvals***

Notwithstanding any time limits for final action herein, no Final Action shall be taken on a Certificate of Appropriateness for any property that also requires any other Development Approval under Chapter 1310 until Final Action has been taken to approve or conditionally approve such other Approval.

The action of the Design Review Board on the application for a Certificate of Appropriateness shall be generally consistent with, and shall not substantially invalidate, the action taken on the other Development Approval.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (f) Action on Application / (8) Time Limit for Final Action  
(8) *Time Limit for Final Action***

Final Action on an application shall be taken by the Final Action Body within the following periods after acceptance thereof by the Administrative Officer:

A. 14 days, in the case of any application on which Final Action is taken by the Building Commissioner or Planning Director, or

B. 60 days, in all other cases except Mandatory Referral.

These periods may be extended by mutual agreement of the applicant and the Final Action Body or if the application requires multiple approvals and is therefore subject to division (f)(7).

An application not acted upon within the applicable time period shall be deemed to be approved.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (f) Action on Application / (9) Withdrawal  
(9) *Withdrawal***

Prior to the vote on Advisory or Final Action, an application may be withdrawn. A withdrawn application may be resubmitted at any time and shall not be considered a rehearing under division 1302.02(g)(18).

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (f) Action on Application / (10) Basis for Action  
(10) Basis for Action**

**A. Approval Criteria**

An Advisory Action Body shall not recommend, nor shall a Final Action

Body grant, approval or conditional approval to an application except on the basis of written Findings of Fact that all applicable Approval Criteria have been met or will be met if conditions to which the approval is made subject are complied with.

An Advisory Action Body shall not recommend, nor shall a Final Action Body grant, disapproval to an application except on the basis of Findings of Fact that at least one of the applicable Approval Criteria has not been met and cannot be met by the imposition of acceptable conditions.

\_\_\_\_\_ **B. Findings of Fact**

Determinations that Approval Criteria have or have not been met that are not accompanied by specific Findings of Fact in support thereof shall not be considered Findings of Fact as required herein.

Findings of Fact shall be a citation of specific facts about the application that the Approval Body finds to be true and which led to its conclusion that the application conforms or fails to conform to one or more applicable Approval Criteria.

**C. Allowable Conditions**

Conditions to which any approval hereunder is made subject shall be on-ly such as are reasonably required to make the application conform to applicable Approval Criteria and shall not be so restrictive as in effect to preclude establishment of a Permitted Use.

No text or map amendment shall be made subject to any conditions.

**D. Limitation on Action**

1. Site Plan Review

Action taken on projects submitted for Site Plan Review under Section 1310.07 shall not deny or significantly reduce the development rights specifically granted to a property owner by other provisions of this Code--such as for land uses, building heights, or Floor Area Ratio--but shall be confined to governing the way these rights are exercised on a particular site.

This limitation shall not apply to Site Plan Review for Planned Unit Developments.

2. Final Plat or Plan

A Final Plat or Final PUD Plan for a development or any portion thereof shall be approved if it conforms substantially to the Preliminary Plat or Preliminary Plan.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (f) Action on Application / (11) Transferability of Approvals  
(11) Transferability of Approvals**

Except where expiration periods are provided for in applicable regulations, all approvals together with any conditions to which they are made subject shall run with the land and be transferable.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (f) Action on Application / (12) Action by Staff  
(12) Action by Staff**

**A. On Minor Subdivisions**

The Planning Director shall take Final Action on behalf of the Planning Commission on applications for approval of Minor Subdivisions, as defined herein. He or she shall approve such subdivisions upon determining that they conform to all applicable regulations.

**B. On Other Minor Applications**

The Planning Commission or Design Review Board may authorize the Planning Director--and the Board of Zoning and Building Appeals may authorize the Building Commissioner--to take Advisory or Final Action to approve minor applications for Development Approvals other than Appeals on its behalf.

Such minor applications shall be confined to those that:

1. do not require a public hearing under provisions of the Ohio Revised Code, and
2. are in the judgment of such Body such cases as it would normally approve unconditionally, and
3. have been previously specified in writing as minor applications by such Body.

The Planning Director and Building Commissioner shall have no authority hereunder to disapprove such applications or approve them with conditions.

**C. Rules for Staff Action**

The Director or Commissioner shall act on an application within 14 days of receiving it.

He or she shall report to the applicable Review Body for its information the action taken on all applications on which he or she has acted.

The Director or Commissioner may decide for any reason not to take action on an application. In such case he or she shall refer it to the applicable Review Body on behalf of which he or she is authorized to act for consideration in accordance with otherwise applicable procedures. Within 7 days of receiving the application, the Director shall also send written notice to the applicant and to the applicable Review Body of his or her action or decision not to take action.

Any action of the Director or Commissioner may be appealed as provided in division 1310.03(c).

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (f) Action on Application / (13) Approval Is Not Acceptance of Dedication**  
*(13) Approval Is Not Acceptance of Dedication*

Final Action approval shall not constitute acceptance by the public of the dedication of any street or other public area or improvement related to such approval. Such acceptance shall only be by separate action of City Council in accordance with division 1240.09(a)(6), Acceptance of Dedications.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (f) Action on Application / (14) Approval Terms Not to Be Altered**  
*(14) Approval Terms Not to Be Altered*

The general terms, conditions, and requirements set forth in any approval or conditional approval of an application shall not be modified, revoked, or otherwise impaired by the Review Body that granted it except:

- A. on the basis of relevant new or changed information, or
- B. where automatic expiration or revocation of approval is specifically provided for herein.

This provision shall not, however, be construed to prevent a Final Action Body from taking an action that differs from that of the applicable Advisory Action Body. It shall not prevent the Board of Zoning and Building Appeals from sustaining an Appeal under division 1310.03(c). Nor shall it disallow the imposition of additional conditions at a later stage of review relating to the more detailed plans and

information that are at that time first submitted, such as in the case of a Final Plat, Final PUD Plan, or later stage of Multi-Stage Review.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (f) Action on Application / (15) Applications Affecting  
*(15) Applications Affecting***

Highway Acquisitions

**A. Applicability**

The provisions of this division shall apply to:

1. applications for all Development Approvals authorized in Chapter 1310 except for:
  - a. text amendments, and
  - b. interpretations, and

2. applications for all Permits authorized in Section 1350.01 for Potential Acquisition Property, as defined in division D1, and Acquisition Property, as defined in division D2.

**B. Notice to ODOT**

Within 3 days of acceptance of any application to which this division applies, the applicable Administrative Officer or official authorized to issue the Permit shall notify the Ohio Department of Transportation by certified mail, return receipt requested, of the application.

**C. Application Approval Prohibited**

1. Potential Acquisition Property

Notwithstanding any other provision of this Code, no application to which this division applies shall be approved within the Acquisition Per-iod, as defined in division D3, unless the Department has within such Per-iod notified the City that it has no current plans to acquire any property involved in the application.

2. Acquisition Property

Notwithstanding any other provision of this Code, no application to which this division applies shall be approved at any time for Acquisition Property.

**D. Definitions**

1. Potential Acquisition Property

Potential Acquisition Property is property located within either:

a. 300 feet of the centerline of, or

b. a 500-foot radius of the intersection of any public street with the centerline of a new state highway proposed for construction, or existing state highway proposed for change, in a currently valid certification to the City by the Ohio Department of Transportation under Section 5511.01 of the Ohio Revised Code.

2. Acquisition Property

Acquisition Property is the entirety or any part of property that is currently Potential Acquisition Property that the Department has notified the City within the Acquisition Period that it has either purchased or initiated proceedings to appropriate.

3. Acquisition Period

The acquisition period is 120 days beginning the date of receipt by the Ohio Department of Transportation of the notice from the City required herein plus any extension agreed to by the Department and the property owner of which the City has been given notice.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (g) Post-Action Procedures**

**(g) Post-Action Procedures**

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (g) Post-Action Procedures / (1) Report of Action**

***(1) Report of Action***

**A. Distribution of Report**

The Administrative Officer shall--within 5 days of the date of Final Action or of the satisfaction of conditions as provided in division (g)(6) herein, whichever is later--send a copy of the report of the Final Action Body to:

1. the applicant, and
2. the Building Commissioner, and



3. the Planning Director, and
4. those Councilperson(s) elected by wards in whose ward(s) the property that is the subject of the application is located, and all at-large Councilpersons, and
5. objectors or other interested parties at their request, and
6. the applicable Advisory Action Body, and
7. any other Review Body currently scheduled to review an application for any Development Approval on the same property.

**B. Content of Report**

Such report shall include a statement of the action taken by the Final Action Body and of all conditions to which the Final Action approval was made subject.

Any Review Body or City official that disapproves or conditionally approves an application for any Development Approval shall specify in writing to the applicant in its report thereto the reason for disapproval or for the conditions imposed.

The report to the Building Commissioner shall also include copies of all plans, drawings, renderings, or other specifications that represent the application as approved.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (g) Post-Action Procedures / (2) Appeal**

***(2) Appeal***

A Final Action may be appealed to the Board of Zoning and Building Appeals if so provided in division 1310.03(c), subject to the time period and other restrictions therein.

Except as otherwise provided herein, actions not appealable under such provisions and actions for which an Appeal has not been sustained shall be subject only to judicial review.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (g) Post-Action Procedures / (3) Judicial Review**

***(3) Judicial Review***

A Final Action hereunder may be appealed to the Court of Common Pleas in accordance with state law.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02**

**Approval Process / (g) Post-Action Procedures / (4) Negotiation Period (PO District)**  
***(4) Negotiation Period (PO District)***

**A. Period Mandated**

If the Design Review Board disapproves an application for a Certificate of Appropriateness, no permit or certificate requiring such Certificate shall be issued, and no action requiring such Certificate shall be taken, during the negotiation period provided herein.

**B. Length of Period**

The negotiation period shall be 270 days in the case of a proposed demolition, and 180 days in all other cases, beginning the date of disapproval. It may be extended beyond such periods for any duration by mutual agreement of the applicant and the Board.

**C. Good Faith Discussion Required**

During such period, the Board and the applicant shall undertake continuing and meaningful discussion in good faith to attempt to work out an alternative plan that is acceptable to both parties.

Except as mutually agreed otherwise, they shall meet for this purpose within 30 days of the beginning of the negotiation period and at least every 30 days thereafter until a plan is agreed to by both parties or until the end of the negotiation period, whichever comes first.

**D. Alternative Plan**

The alternative plan may involve modification of the proposed action, acquisition by a public body of the property or an easement thereupon, relocation of a structure, or provision of public financial assistance to support the costs of actions the Board requires.

At any time during the negotiation period the Board may approve a Certificate based on such a plan.

**E. Protection of the Property**

At the beginning of and at any time during the negotiation period, the applicant shall take such steps as are required in the judgment of the Building Commissioner to protect the property from deterioration or vandalism during such period.

**F. Failure to Agree on Plan**

If at the end of the negotiation period the parties have not agreed on an alternative plan, the Certificate of Appropriateness for the proposed alteration shall be issued.

Except that if the Board determines that the applicant has failed to comply with any requirement of division (g)(4)C, the Certificate shall not be issued. The determination of the Board may be appealed under division 1310.03(c).

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (g) Post-Action Procedures / (5) Waiting Period  
(5) *Waiting Period***

No permit or certificate authorized by an approval by any Final Action Body shall be issued until:

A. in the case of actions subject to Appeal, the period provided in division 1310.03(c) for the filing of an Appeal has elapsed, or

B. in the case of an Amendment or any other approval by the City Council, the 30-day period provided in Section 5.12 of the Barberton City Charter has either elapsed or has been waived by Council.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (g) Post-Action Procedures / (6) Initial Compliance With Conditions  
(6) *Initial Compliance With Conditions***

Prior to notifying the Building Commissioner of an approval, the Administrative Officer shall determine that any conditions to which such approval was made subject that are to be satisfied prior to issuance of a certificate or permit have been satisfied. The Officer shall so certify in writing to the Building Commissioner before the certificate or permit may be issued.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (g) Post-Action Procedures / (7) Submission of Guarantees  
(7) *Submission of Guarantees***

Before issuance of any permit or certificate, any financial guarantees required by City regulations or by any Final Action hereunder shall be filed with and accepted by the City Council in accordance with division 1350.02.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (g) Post-Action Procedures / (8) Submission of Covenants  
(8) *Submission of Covenants***

Before issuance of any permit or certificate, deed restrictions or covenants of homeowners or condominium associations or the like shall be submitted that make adequate provision in the judgment of the Director of Law for:

A. the improvement, preservation, regular maintenance, and public liability insurance required for any open spaces, thoroughfares, utilities, water retention or detention areas, and other common elements not to be dedicated to the City or to another public body, and

B. such control over the use and exterior design of individual structures, if any, as is necessary for continuing conformance to an approved Site Plan or a Certificate of Appropriateness approval, such provision to be binding on all future ownerships.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (g) Post-Action Procedures / (9) Engineer Review of Minor Subdivision  
(9) Engineer Review of Minor Subdivision**

After approval of a Minor Subdivision, the subdivider shall submit to the City Engineer either a plat map or a metes and bounds deed description, as the Engineer requires. The Engineer shall certify approval thereupon within 7 days of its receipt if it is found to conform to the approved Minor Subdivision.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (g) Post-Action Procedures / (10) Submission of Deed  
(10) Submission of Deed**

Prior to the signing of the Final Plat or Site Plan, the applicant shall deliver to the Planning Director:

A. a full covenant and warranty deed to all dedicated property in proper form for recording, and

B. a title insurance policy in an amount as approved by the Director of Law covering streets and other lands dedicated.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (g) Post-Action Procedures / (11) Recording of Plat or PUD Plan  
(11) Recording of Plat or PUD Plan**

The applicant shall file for recording with the Summit or Wayne County Recorder, as applicable:

- A. the approved Final Plat of a subdivision, or
- B. the metes and bounds deed description or plat approved as a Minor Subdivision, or
- C. a Final Site Plan approved under Section 1310.07, Site Plan Review, whether for a Planned Unit Development or other development.

He or she shall submit evidence of such recording to the Planning Director.

No Building Permit for any lot not already of record shall be issued before such evidence has been received. The applicant shall pay all recording costs.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (g) Post-Action Procedures / (12) Submission of Reproducible Plans  
*(12) Submission of Reproducible Plans***

One reproducible mylar copy of an approved PUD Plan, Preliminary or Final Plat, Site Plan, or approved amendment thereto shall be filed with the Planning Director together with a number of copies thereof that he or she shall specify.

The Director shall distribute such copies to the Building Commissioner, Service Director, City Engineer, Board of Education, Utilities Department, and other affected City departments for their files.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (g) Post-Action Procedures / (13) Issuance of Permit  
*(13) Issuance of Permit***

Unless the Final Action Body directs otherwise, the Planning Director shall issue a Conditional Use Permit or Certificate of Appropriateness--and the Building Commissioner shall issue any other permit or certificate--approved by such Body within 7 days after he or she has received notification of approval or conditional approval thereof, or after the expiration of the waiting period provided in division (g)(5), whichever is later.

The permit or certificate shall specify any conditions or restrictions to which such Body has made its approval subject.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (g) Post-Action Procedures / (14) Revocation of Permit  
*(14) Revocation of Permit***

**Barberton Development Code**

The Building Commissioner shall revoke any permit or certificate issued hereunder:

- A. if the action taken after issuance is not consistent with plans and information submitted as part of the application therefor and given Final Action approval, or
- B. if any applicable provisions of City regulations or any conditions to which a Final Action approval hereunder was made subject are not complied with, or
- C. if after they are initially complied with, compliance with such conditions is not maintained at any time, or
- D. in the case of a Conditional Use Permit, Certificate of Appropriateness, or design review approval for use of a Transition Overlay District, if within 360 days of the date of issuance the use or alteration is not established, or any required Building Permit is not obtained and building started.

The Building Commissioner shall give the permittee or Certificate holder 21 days notice of any intended revocation and the reasons therefor and an opportunity within that period to answer any charges of noncompliance or to propose measures to bring the permitted action into compliance within a reasonable time.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (g) Post-Action Procedures / (15) Expiration of Subdivision or Site Plan Approval**

*(15) Expiration of Subdivision or Site Plan Approval*

Subdivision or Site Plan approval shall be automatically revoked if:

- A. the applicant has failed to file within 360 days of the date of Preliminary Plat or Plan approval a Final Plat or Final Plan in conformance therewith or a revised Preliminary with an application for an amendment, or
- B. construction on the development has not begun within 720 days of the date of Final Action approval or conditional approval of a Final Plat or Final Plan, or
- C. all construction has not been completed within 1,440 days thereof.

The applicable Final Action Body may approve one or more extensions of either time period.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (g) Post-Action Procedures / (16) Maintenance of Vacant Land**  
*(16) Maintenance of Vacant Land*

Land designated for future construction phases and other land not intended for immediate improvement shall be landscaped or otherwise maintained with a neat and orderly appearance as specified by the Planning Director.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (g) Post-Action Procedures / (17) Site Restoration  
(17) Site Restoration**

If construction on a property is permanently discontinued as a result of permit expiration or revocation or for any other reason, the permittee shall repair any excavation, rough grading, or other earth work and restore the site to a safe condition and neat appearance approved by the Planning Director.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (g) Post-Action Procedures / (18) Rehearing  
(18) Rehearing**

Except as otherwise provided herein, no application that has been disapproved by a Final Action Body shall be resubmitted with-in 360 days of the date of Final Action disapproval, or of the expiration of any applicable negotiation period under division (g)(4), except on the grounds of new factual evidence or a change in conditions found to be valid by the applicable Administrative Officer.

A tie vote shall not be considered a disapproval for purposes of this division. Revision of an application that removes characteristics on which its disapproval was based shall be considered such a change in conditions.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (g) Post-Action Procedures / (19) Inspection of Subdivision or Site Plan  
Improvements**

***(19) Inspection of Subdivision or Site Plan Improvements***

The Building Commissioner shall inspect all improvements required by Section 1240.09 to verify compliance with City regulations, standards, and conditions of approval:

- A. prior to approval of a Final Plat or Final PUD Site Plan, or
- B. for guaranteed improvements, prior to releasing the applicable guarantee or portion thereof.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (h) Amendments to Approved Subdivision or Site Plan**

**(h) Amendments to Approved Subdivision or Site Plan**

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (h) Amendments to Approved Subdivision or Site Plan / (1) When  
Required**

***(1) When Required***

Approval of an amendment shall be required for any material change, deletion, or addition made to a Preliminary Plat or Site Plan, either as a revised Preliminary Plat or Plan or in the form of a Final Plat or Plan that does not conform to the Preliminary.

An applicant seeking approval of an amendment shall file an application therefor with the Planning Director.

The application shall describe the amendment sought and provide such other information as the Planning Commission or City Council may require. It shall be accompanied by the number of copies of the proposed amendment required by the Director and a filing fee determined by the City Council.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (h) Amendments to Approved Subdivision or Site Plan / (2) Approval  
Process**

***(2) Approval Process***

Action on Amendments shall be as provided in Table 1320A.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02  
Approval Process / (h) Amendments to Approved Subdivision or Site Plan / (3) Minor  
Amendments Defined**

***(3) Minor Amendments Defined***

As used in Table 1320A, a Minor Amendment shall be any change from the previously approved Plan or Plat, other than changes required by the City, that meet all of the conditions in this division.

**A. Land Use Change**



There is no change in land use type or housing type.

**B. Location Change**

There is no change in any provision of the approved Plan or Plat specifying the location of a structure, off-street parking or loading area, open space area, or any public or common area or right-of-way, by more than 10 feet in any direction, nor a change in the spacing between any structures by more than 10 percent.

**C. Standards Change**

There is no change of more than 10 percent in any non-locational quantitative specification of the previously approved Plan or Plat, including:

1. the number or any dimension of lots, yards, structures, pedestrian ways, or vehicular thoroughfares
2. any residential density
3. coverage of the site by structures
4. amount of common open space acreage
5. utility line capacity
6. amount of floor area of development other than residential
7. amount of land to be conveyed to or reserved for a public body
8. size or capacity of any off-street parking or loading area
9. amount or dimensions of proposed tree or ground cover, landscaping, or screening.

**D. Greater Variation Change**

There is no other change that causes the development to fall short of meeting the requirements of any normally applicable City development regulation to any greater degree than provided on the previously approved Plan or Plat.

The Planning Commission may disallow Minor Amendment status if a proposed amendment fails to meet the foregoing criteria when considered together with Minor Amendments previously approved for the same development.

***(4) Recording***

An amended Plan or Plat shall be recorded in conformance with the requirements of division 1320.02(g)(11).

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (i) Permits for Developed Lots in Site Plan Developments**

***(i) Permits for Developed Lots in Site Plan Developments***

After completion of initial construction of a development, no Building Permit or Certificate of Occupancy shall be issued for any lot or building site within the development or any phase thereof for which a Site Plan has been approved unless the application therefor conforms to one of the conditions in this division.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (i) Permits for Developed Lots in Site Plan Developments / (1) Conforms to Site Plan**

***(1) Conforms to Site Plan***

The application therefor conforms to the approved Site Plan.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (i) Permits for Developed Lots in Site Plan Developments / (2) Conforms to Regulations**

***(2) Conforms to Regulations***

The application conforms to all City development regulations that would apply to the subject development if a Site Plan had not been approved and is also generally consistent, in the judgment of the Planning Director, with the approved Plan.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (i) Permits for Developed Lots in Site Plan Developments / (3) Amendment Approved**

***(3) Amendment Approved***

An amendment to the approved Plan is approved under division 1320.02(h) to allow the action for which the Permit or Certificate is sought.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / 1320.02 Approval Process / (i) Permits for Developed Lots in Site Plan Developments / (4) Variance Approved**

*(4) Variance Approved*

For Permits or Certificates affecting a single lot of less than 1/4-acre containing less than 5,000 square feet of gross floor area, a Variance from the Plan or the regulations has been approved under division 1310.03(a).

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320A: Action on Development Approvals**

**Table 1320A: Action on Development Approvals**

	<u>Advisory Action Body</u>	<u>Final Action Body</u>	<u>Public Hearing Body</u>	<u>Adminis- trative Officer</u>	<u>Provision</u>
<u>A. Amendments</u>					
1. Text Amendments	PC [a]	Council	Council	PD	1310.02
2. Rezoning to PO District	DRB [a]	Council	Council	PD	1310.02(c) Table 1310B
3. All Other Map Amendments	PC [a]	Council	Council	PD	1310.02
<u>B. Adjustments</u>					
1. Variances:					
a. To Chapter 1240	--	PC	PC	PD	1310.03(a)
b. To All Other Provisions	--	BZBA	BZBA	BC	1310.03(a)
2. Conditional Uses	--	PC	PC	PD	1310.03(b)
3. Special Exceptions	--	PC	PC	PD	1310.03(b)
4. Appeals	--	BZBA	--	BC	1310.03(c)
5. Changes to Nonconforming [b]	--	BZBA	BZBA	BC	1310.03(d)

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C. Staff Approvals

1. Temporary Uses	--	BC or BZBA	--	BC	1310.04(a)
2. Interpretations	--	BC	--	BC	1310.04(b)
3. Unlisted Uses	--	PD	--	PD	1310.04(c)

D. Certificates of

Appropriateness

--	DRB	DRB	PD	1310.08
----	-----	-----	----	---------

E. Development Plans

1. Minor Subdivisions	--	PD	--	PD	1310.05(e)
2. Preliminary Subdivision Plats	--	PC [a]	--	PD	1310.05
3. Final Subdivision Plats	--	PC [d] [e]	--	PD	1310.05
4. Planned Unit Developments:					
A. Preliminary Plan	PC	Council [c]	PC	PD	1310.06
B. Final Plan	--	PC [d] [e]	--	PD	1310.06
5. Other Site Plan Reviews	--	PC [a] [d] [e]	--	PD	1310.07
6. Amendments to E1-E5:					
a. Minor Amendment	--	PC	--	PD	1320.02(h)
b. All Other Amendments	-----	Same as for Original Approval	-----		1320.02(h)
7. Plat Vacations	--	PC	--	PD	1310.05(g)
<u>F. Vacations of streets, alleys, &amp; public areas</u>	PC [a]	Council	--	PD	
<u>G. Mandatory Referrals</u>	PC	Council or other	--	PD	1310.09

BZBA: Board of Zoning and Building Appeals

DRB: Design Review Board

Council: City Council

PC: City Planning Commission

BC: Building Commissioner

PD: Planning Director

-- : No action of this type is required. PO: Preservation Overlay District

[a] No public hearing by this body is required, but a public hearing may be held at its option.

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Requirements for Public Notice shall be complied with for any such hearing.

[b] Only those changes requiring special discretionary approval under Table 1340A.

[c] Council action is limited by 1320.02(f)(6)D.

[d] Commission action is limited by 1320.02(f)(5).

[e] Commission action is limited by 1320.02(f)(10)D.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320B: Required Contents of Application Filings [a]**

**Table 1320B: Required Contents of Application Filings [a]**

	Map Amendment (Rezoning)	Condi- tional Use	Variance	Certificate of Appro- priate- ness	Site Plan Review[c]	Change to Property With Non- con- formity	Prelim- inary Plat	Minor Final Plat	Subdiv- ision
	1310.02	1310.03(b)	1310.03(a)	1310.08	1310.06-07	1310.03(d)	1310.05	1310.05	1310.05
1. Names/addresses	x	x	x	x	x	x	x	x	x
2. Project name	x	x	x	x	x	x	x	x	x
3. Legal description	x	x	x	x	x	x	x	x	x
4. Location	x	x	x	x	x	x	x	x	x
5. Action requested	x	x	x	x	x	x	x	x	x
6. Fees	x	x	x	x	x	x	x	x	x
7. Authorization	x	x	x	x	x	x	x	x	x
8. Land Use	x	x	x	x	x	x	x	x	x
9. Criteria	x	x	x	x	x	x	x	x	x
10. Disclosure	x	x	x	x	x	x	x	x	x
11. Notification list	x	x	x	x	[b]	x	[b]	-	-
12. Zoning	x	x	x	x	-	x	x	x	x
13. Common Area									

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Maintenance	-	-	-	-	X	-	X	X	-
14. Other	X	X	X	X	X	X	X	X	X
-----									
15. Heights	-	X	*	X	X	-	-	-	-
16. Dwelling units	-	X	*	-	X	-	-	-	-
17. Floor area	-	X	*	-	X	-	-	-	-
18. Employees	-	X	*	-	X	-	-	-	-
19. Lot coverage	-	X	*	X	X	-	-	-	-
20. Plat of Survey	-	*	*	-	X	-	X	X	-
21. Table 1320C requirements (Site Plan) [a]	-	*	*	*	X	-	X	X	-
22. Renderings	-	*	-	*	X	-	-	-	-
23. Phasing	-	-	-	-	X	-	X	-	-
24. Traffic analysis	*	*	*	-	*	-	-	-	-
25. School capacity	*	*	*	-	*	-	-	-	-
26. Utility capacity	*	*	*	-	*	-	-	-	-
27. Parcel Boundaries	-	-	-	-	C	-	C	C	-
28. Topography	-	-	-	-	C	-	C	C	X
29. Utilities	-	-	-	-	C	-	C	C	X
30. Existing Structures	-	-	-	X	C	-	C	C	X
31. Final Plat	-	-	-	-	P	-	-	-	-

See footnote numbers corresponding to item numbers in table for details on submission requirements.

Note: Some submissions required by this table may be waived under 1320.02(d)(3) or 1320.02(d)((5)C1.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Notes for Table 1320B**

## Notes for Table 1320B

x : Required for all applications except if waived under 1320.02(d)(3) or 1320.02(d)(5)C1.

- : Not required for any application.

\* : Required only if considered necessary for review of the application by the Administrative Officer or applicable Review Body.

[a] Uses with off-street parking or required landscaped areas shall also file Site Plans as required by Table 1320C, whether or not a Site Plan is otherwise required by Table 1320B.

[b] Required only if public hearing is held.

[c] Includes Planned Unit Developments.

C : See Table 1320C for requirement.

P : Required only for Planned Unit Developments.

### 1. NAMES & ADDRESSES

The name, address, and weekday daytime phone number of:

A. the applicant, and

B. his or her attorney or agent, if any, and

C. any developer, site planner, architect, land surveyor, or engineer involved in project plans.

### 2. PROJECT NAME

The name of the development project, if any.

### 3. LEGAL DESCRIPTION

Legal descriptions, using metes and bounds or subdivision block and lot number, of the subject property as a whole and of each phase of the proposed development thereof.

### 4. LOCATION

The street address of the subject property. For subdivisions, location by government lot, quarter section, township, range, county, and state.

**5. ACTION REQUESTED**

A description of the action requested.

**6. FEES**

The applicable fees as provided in 1320.01(b).

**7. AUTHORIZATION**

Written authorization by the ownership or management of the property, if different from the applicant, for the filing. Authorization by a manager shall be accompanied by evidence satisfactory to the Administrative Officer of his or her authority to act on behalf of the owner.

**8. LAND USE**

Types and acreages of present and proposed land uses.

**9. CRITERIA STATEMENT**

Statement of reasons why applicant believes action requested conforms to applicable Approval Criteria.

**10. INTEREST DISCLOSURE**

A Disclosure of Interest as provided in 1320.01(c).

**11. NOTIFICATION LIST**

A typewritten list of addresses of all parties rerequired to receive written notification under the provisions on Public Notice in 1320.01(f)(3)A1.

**12. ZONING**

The zoning classifications of the subject property and all other properties within 200 feet thereof.

**13. OTHER INFORMATION**

Any information required elsewhere in this Code. Any other information that is reasonably required in the judgment of the Review Body to determine conformance with the applicable Approval Criteria or other applicable regulations.

**14. COMMON AREA MAINTENANCE**

Deeds or easement agreements conveying ownership interests in any parcel required or proposed to be conveyed to any public body.

In projects with common areas not to be dedicated to the public, organizational details of proposed



property owners, condominium, or cooperative associations to be responsible for preserving and maintaining common areas. Protective covenants or deed restrictions to govern open space or other areas. Other documents governing maintenance of common open space and other common areas.

### **15. STRUCTURE HEIGHTS**

Building heights or fence heights, both as defined herein, of proposed structures and existing structures to be retained.

### **16. DWELLING UNITS**

Numbers of dwelling units in proposed buildings,

and existing buildings proposed to be retained, by number of bedrooms and by any special populations to which occupancy is to be restricted (e.g., elderly, students, or low-income households).

### **17. FLOOR AREA**

Gross and net floor area, both as defined herein, of proposed buildings, and existing buildings proposed to be retained, by type of use.

### **18. NUMBER OF EMPLOYEES**

Proposed number of permanent employees to be accommodated on the property, including existing employment proposed to be retained, by shift and by full- or part-time status. Hours of shifts or other working hours.

### **19. LOT COVERAGE**

Square footages of lot to be covered by:

- A. principal and accessory structures, and
- B. paved surfaces.

### **20. PLAT OF SURVEY**

A plat prepared by a surveyor registered in the State of Ohio showing, as they exist as of the date of filing:

- A. the legal description of the property, and
- B. the boundary lines and bearings and distances thereof, and
- C. the locations of all improvements and monuments, and

D. all encroachments, and

E. the boundaries of all existing streets, rights-of-way, and areas dedicated to public use within 200 feet of the property.

F. date of survey and signature, registration number, and seal of surveyor.

**21. SITE PLAN**

A Site Plan conforming to Table 1320C.

**22. RENDERINGS**

Architectural renderings showing substantial design intent for proposed structures but not necessarily final design detail.

**23. PHASING**

Chronological schedule of expected beginning and ending dates for proposed stages of construction and improvement of all structures; common or public areas; circulation ways; parking, loading, and service areas; and utilities, showing the interim use and maintenance of areas not under construction in each phase.

**24. TRAFFIC ANALYSIS**

A professional analysis of estimated vehicular trips generated by each phase of the completed development per day and during AM and PM peak hours—including the number of pass-by trips and, for mixed use developments, internal trips; the hours of expected AM and PM peak volumes; the assignment of traffic volumes to each driveway or access road into the site; the impact on existing traffic loads in the area; and road construction or traffic control measures needed to accommodate the new traffic.

**25. SCHOOL CAPACITY**

Evidence concerning the capacity of the public schools to handle the enrollment likely to be generated by the development.

**26. UTILITY CAPACITY**

Evidence concerning the ability of available treatment and distribution capacities of sewer and water supply systems to handle the loads likely to be generated by the development.

**27. PARCEL BOUNDARIES**

Scaled and dimensioned drawing of parcel boundaries.

**28. TOPOGRAPHY**

General information on topography and drainage on property and within 50 feet thereof.

**29. UTILITIES**

Information on accessibility of required utilities.

**30. EXISTING STRUCTURES**

Locations of existing structures on and within 50 feet of the property.

**31. FINAL PLAT**

A Plat of Subdivision and final engineering plans and specs required by Table 1320C.

Contents of application filings for other Development Approvals not included in this table shall be as provided elsewhere in this Code or, if not so provided, as determined by the Administrative Officer.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320C: Required Contents of Subdivision Plats and Site Plans**

**Table 1320C: Required Contents of Subdivision Plats and Site Plans**

	Certificate of Appropriateness	Parking Plan [a]	Vari-ance	<u>Major Subdivisions</u>				
				Land-scaping Plan[b]	Condi-tional Uses	Site Plan Review[c]	Prelim-inary Plat[d]	Final Plat[d]
1. Scale & other	x	x	x	x	x	x	x	x
2. Parcel Boundaries	x	x	x	x	x	x	x	x
3. Lots & Blocks	x	x	x	x	x	x	x	x
4. Easements	x	x	x	x	x	x	x	x
5. Table 1320B requirements	x	x	x	x	x	x	x	x
6. Other in formation	x	x	x	x	x	x	x	x

**Barberton Development Code**

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7. Project data	-	-	X	-	X	X	X	X
8. Landscaping								
a. Existing	-	-	*	X	-	X	X	-
b. Proposed	X	*	*	X	X	X	-	-
9. Structures								
a. Existing	X	X	-	-	X	X	X	-
b. Proposed	X	X	-	-	X	X	-	-
10. Open uses	X	-	-	-	X	X	-	-
11. Govt. Boundaries	-	-	-	-	-	X	X	X

---

12. Circulation									
a. On Property	X	-	-	-	X	X	X	X	
b. Adjacent Land	-	-	-	-	X	X	X	X	
c. Detail	-	-	-	-	-	-	*	X	
13. ROW's	-	-	-	-	-	X	X	X	
14. Street Engineering	-	-	-	-	-	X	X	X	
15. Street Name Approval	-	-	-	-	-	-	-	X	
16. Curb Cuts	-	-	-	-	-	X	X	X	
17. Access Control	-	-	-	-	-	X	X	X	
18. Parking	X	X	X	-	X	X	-	-	
19. Public & Common Areas		X	-	-	-	-	X	X	X
20. Topography									
a. Existing	-	-	-	-	-	X	X	X	
b. Proposed	-	-	-	-	X	X	X		

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21. Drainage:								
a. Existing	-	x	*	-	-	x	x	x
b. Grading & Drainage Plan	-	x	-	-	-	x	x	x
22. Subsurface data	-	*	-	-	*	*	*	-
23. Natural Features	-	-	-	-	-	x	x	x
24. Water areas	x	-	*	-	-	x	x	x
-----								
25. Utilities	-	*	*	-	*	x	x	x
26. Covenants	-	-	-	-	-	x	x	x
27. Certificates	-	-	-	-	-	*	x	x
28. Monuments	-	-	-	-	-	*	-	x
29. Detail drawings	-	-	-	-	-	*	-	x
30. Offer of Dedication	-	-	-	-	-	*	-	x
31. Guarantees	-	-	-	-	-	*	-	x

See footnote numbers corresponding to item numbers in table for details on submission requirements.

Note: Some submissions required by this table may be waived under 1320.02(d)(3) or 1320.02(d)(5)C1.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320C: Required Contents of Subdivision Plats and Site Plans / Notes for Table 1320C**

**Notes for Table 1320C**

Items in this table are required only when a Site Plan or subdivision approval is required under Table 1320B.

Site Plan and subdivision filings shall also include applicable information required by Table 1320B.

x : Required for all submissions except if waived under 1320.02(d)(3) or 1320.02(d)(5)C1.

- : Not required for any submission

\* : Required only if considered necessary for review of the application by the applicable Review Body or Administrative Officer.

[a] Required for Certificates of Compliance (see Section 1350.01(c)) and applications specified in Table 1320B for uses providing over 4 parking spaces.

[b] Required for Certificates of Compliance (see Section 1350.01(c)) and types of applications specified in Table 1320B for uses required to provide any landscaped area in Chapter 1220.

[c] Includes Planned Unit Developments.

[d] Shall be prepared by registered surveyor or registered professional engineer.

### **DRAWINGS SPECIFICATIONS**

All drawings shall be black or blue line diazo prints of such scale and maximum sheet size and in a number of copies as the Administrative Officer may require. Where multiple sheets are necessary, they shall be indexed.

Original drawings of Final Plats and Final Site Plans shall be in waterproof India ink on tracing cloth, mylar, or other substantial material from which legible prints may be made.

Final Plats and Final Site Plans shall have accurate bearings and distances to the nearest established street corners or official monuments. Reference corners shall be accurately described. Distances shall be to the nearest 1/100 foot and bearings and deflection angles to the nearest second.

For all curves of property lines or right-of-way lines shown, the following shall be provided:

- A. radius
- B. delta angle
- C. tangent and arc length and bearing
- D. chord length and bearing.

### **1. SCALE & OTHER**

Numeric and graphic scales, north arrow, sheet number, and dates of preparation and of revision.

For Final Plats and Final Site Plans, control points to which all dimensions, angles, and bearings are to be referenced.

### **2. PARCEL BOUNDARIES**

Boundaries of the development and of each phase thereof and total area included. For Major Subdivision plats, boundaries shall be referenced to a corner established in U.S. Public Land Survey.

### **3. LOTS & BLOCKS**

Dimensions and block numbers of all proposed blocks.

Lot lines, dimensions, areas, required setback lines, and numbers of all lots or building sites.

Numbers shall be in numerical or alphabetical order without omission or duplication. Numbers and letters shall begin with number "1" or letter "A" unless the development is an addition to an adjacent development or a resubdivision thereof. An addition containing a portion of an already platted block shall retain the same block number or letter and number lots consecutively to the existing lots.

### **4. EASEMENTS**

Location, dimensions, ownership, purpose, and limitations on easements and encroachments on the subject property and easements on abutting property in favor of the subject property.

### **5. TABLE 1320B REQUIREMENTS**

Items required for application in Table 1320B.

### **6. OTHER INFORMATION**

Any other information required elsewhere in this Code or that is reasonably required in the judgment of the Review Body to determine whether the application conforms to the Approval Criteria and other requirements of applicable regulations.

### **7. PROJECT DATA**

Data indicating for each development phase:

A. number of dwelling units broken down by number of bedrooms

B. gross floor area, as defined herein, by use type

C. number of lots

D. gross and net site area, as defined herein E. land area devoted to streets, off-street parking, off-street loading, recreation space, and each housing and land use type.

### **8. LANDSCAPING**

#### ***A. Existing***

Existing wooded areas and isolated trees 4 inches or more in diameter at 4.5 feet above natural

grade at the base of the tree.

B. Proposed

For both the property and tree lawns in abutting rights-of-way:

1. Location, quantity, diameter, installation height, maturity height, caliper at 1 foot above proposed grade, botanic name, and common name, of all proposed living and non-living landscaping materials and existing materials to be preserved, including street tree installation where required
2. Types and boundaries of proposed ground cover and identification of grass areas to be sodded, plugged or sprigged, and seeded
3. Location and contours at 1-foot intervals of all proposed berming
4. Dimensions and descriptions, renderings, elevations, or photographs indicating the external appearance, including materials and colors, of all sides of proposed fences, walls, ornamental lighting, and other landscaping & screening treatments
5. Measures to be taken to protect new and preserved existing trees during construction.

**9. STRUCTURES**

A. Existing Structures

Location, type, shape, dimensions, gross and net floor area as defined herein, orientation, height in feet, finished grade elevations at all entrances and

corners, and number of stories of all structures, including buildings, sign structures, fences, walls, retaining walls, screening, street furniture, railroads, bridges, culverts, exterior lighting fixtures, and entrance features.

B. Proposed Structures

The information required in 9a for all proposed structures.

**10. OPEN USES**

Location, dimensions, area in square feet, and surface type for open storage, refuse disposal, and service areas.

**11. GOVERNMENT BOUNDARIES**

Current school district and municipal boundary lines and section and quarter-section lines on or adjacent to site.



## **12. CIRCULATION**

### A. On Property

Existing and proposed number, locations, names, alignment, right-of-way and pavement widths, approximate grades, dimensions, right-of-way and center lines, design, and paving of all public and private thoroughfares, sidewalks, pedestrian ways, bicycle paths, fire lanes, railroad rights-of-way, curb cuts, and driveways. Names and functional classifications (minor street, collector, etc.) of all streets. Proposed public or private ownership of facilities. Radii of all street curves.

### B. Adjacent Land

Names, locations, and right-of-way and pavement widths of existing and proposed streets, intersections, sidewalks, and curb cuts adjacent to the site.

### C. Detail

Profiles and cross-sections of proposed streets on the property.

## **13. RIGHTS-OF-WAY**

Locations, widths, right-of-way and center lines, purpose, and names of all existing street, alley, utility, railroad, and other rights-of-way within or abutting the subject property.

## **14. STREET ENGINEERING**

Length and bearing of street center lines. Radii of all street curves (approximate only required for Preliminary Plat). Street plans and profiles showing existing ground surface, existing and proposed street grades and center line, right-of-way, and ground elevations [a], and cross-sections of proposed improvements.

Locations of street name signs and street lighting standards. For Final Plat or Final Site Plan, street cross-sections at intervals of not less than 200 feet, or at lesser intervals if required by the City Engineer for street segments with over 6 percent grades.

## **15. STREET NAME APPROVAL**

Letters from the postmaster and the 911 Coordinator of the Police Department confirming that proposed street names are not duplicative of or excessively similar to names of existing streets that they are not extensions of.

## **16. CURB CUTS**

For all curb cuts:

A. anticipated users: employees, patrons, delivery trucks, or other users

B. curb cut location, approximate grade, width, number of lanes, radii of curb returns or angles of flares, dimensions of medians or islands, if any, and all other geometrics

C. distances to existing or proposed property lines, to other existing or proposed curb cuts on the subject or adjacent lots, and to existing or proposed street intersections.

## **17. ACCESS CONTROL**

Restrictions imposed by any applicable public agency controlling access to public streets.

## **18. PARKING**

Location, shape, dimensions, approximate grade, surface type, area in square feet, and capacity in number of vehicles of off-street parking and loading spaces and areas, including aisles, curbing, wheel stops, islands, guard rails, driveways, and curb cuts. Number and locations of spaces open to the public, restricted to tenants or customers, and reserved spaces. Number and locations of spaces that are free, available for hourly or daily rental, or leased long-term.

## **19. PUBLIC & COMMON AREAS**

The number, location, boundaries, acreage, dimensions, proposed ownership, and provisions for maintenance of any proposed recreational and non-recreational public or common open spaces, such as parks, playgrounds, and school sites. A written statement of the advantages any proposed public or common open space offers at each proposed location for such use.

## **20. TOPOGRAPHY**

### *A. Existing*

Map showing existing contours [e] at:

1. no greater than 5-foot intervals on land with an average natural slope of 10 percent or more
2. no greater than 2-foot intervals for all other land.

### *B. Proposed*

Proposed grading and contours where extensive changes are planned. Elevations [e] marked on such contours.

Description of amounts and methods of any excavation, dredging, or filling proposed, including use of blasting and pile driving and of potential for ground movement and settlement during excavation and impact on adjacent buildings and utility lines.

## **21. DRAINAGE**

### *A. Existing*

Existing and proposed drainage patterns and appurtenances for collecting storm water.

### *B. Grading and Drainage Plan*

A plan for grading and stormwater drainage of the subject property, including open ditches, pipes, culverts and other underground structures, manholes, catch basins, waterway openings, and drain inlets.

## **22. SUBSURFACE DATA**

Boring and sounding data on subsurface soil, rock, and groundwater conditions, including depths to bedrock and to ground water table.

## **23. OTHER NATURAL FEATURES**

Locations of existing rock out-croppings on or abutting the subject property. Any atypical subsurface conditions, such as abandoned mines.

## **24. WATER AREAS**

Dimensions, locations, boundary lines, and water elevations [e] as of date of survey and approximate high and low water levels of existing and proposed natural or artificial bodies of water, flood plains, marsh areas, drainage ditches, wet or dry stormwater detention or retention areas on or abutting the subject property, and any proposed modifications to existing water courses or water bodies, including impact on ground water levels. Any proposed relocation or alteration of existing water bodies.

Locations of any proposed accesses to existing water bodies.

## **25. UTILITIES**

Size, purpose, materials, grades, invert elevation [e] (for sewers), and location of existing and proposed public and private utilities: sanitary sewer, storm sewer, water supply, gas, electric, and communications. Utility easements, and drainage facilities and proposed connections thereto on or within 100 feet of the property. Locations of existing and proposed hydrants, catch basins, manholes, valves, and utility poles. Direction and distance of nearest utility connections if not within 100 feet of property. For Final Plat, plan and profile drawings of all public utilities.

## **26. COVENANTS**

Protective covenants or deed restrictions to regulate land use in the development. An outline only is required for Preliminary Plat or Preliminary Site Plan. For Final Plat or Final Site Plan, covenants or restrictions shall be included on plat or by reference. For Final Plat or Final Site Plan, covenant or

restriction documents shall be submitted in final form and shall be recorded.

**27. CERTIFICATES**

The certificates provided in Table 1320F.

**28. MONUMENTS**

Locations and descriptions of dimensions and materials of all existing and proposed survey monuments and markers.

**29. DETAIL DRAWINGS**

Detail drawings of any special construction, such as concrete aprons, headwalls, rip-rap, or decorative fences within a right-of-way.

**30. OFFER OF DEDICATION**

Irrevocable offers of dedication to the applicable governmental body of streets, parks, other public areas, easements, utilities, and other public improvements required to be dedicated under applicable City development regulations. A notation on the Plat or Plan to reference this offer.

**31. GUARANTEES**

Certification by the City Engineer that the principal has either installed all required improvements in conformance with City regulations or has provided a financial guarantee in conformance with 1350.02.

[e] Elevations shall be based on mean sea level datum as determined by the U.S. Geological Survey under Section 204.01 of the Barberton Codified Ordinances or other datum approved by the City Engineer.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320D: Notifications**

**Table 1320D: Notifications**

City Engin- <u>eer</u>	City Plan- <u>ning</u>	Util- <u>ities</u>	Board of <u>Health</u>	City Utility [c] Com- <u>panies</u>	City Council <u>Members</u>	City Building <u>Dept.</u>
			[a]	[b]	[d]	

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1. Amendments:										
a. Text	-	-	X	-	-	-	-	X	X	
b. Map	-	-	X	X	-	-	X	X	X	
2. Variances	-	-	X	-	-	-	X	X	X	
3. Conditional Uses	-	-	X	-	-	-	X	X	X	
4. Appeals	-	-	-	-	-	-	X	X	-	
5. Changes to Properties With Nonconformities		-	-	-	-	-	-	X	X	X
6. Temporary Uses	-	-	-	-	-	-	X	X	X	
7. Interpretations	-	-	-	-	-	-	-	-	X	
8. Unlisted Uses		-	-	-	-	-	-	X	-	X
9. Certificates of Appropriateness		-	-	X	-	-	-	X	X	X
10. <u>Subdivisions:</u>										
A. Minor Subdivisions	X	-	X	-	-	-	X	-	X	
B. Preliminary Plat	X	X	X	X	X	X	X	X	X	
C. Final Plat	X	-	X	-	-	-	X	X	X	
11. Planned Unit Developments	X	X	X	X	X	X	X	X	X	
12. Site Plan Review	X	X	X	X	X	X	X	X	X	

See also 1220.03(a) for notification of City Beautification Commission.

[a] For developments lacking public sewer and/or public water supply.

[b] As provided in 1320.02(f)(15).

[c] Ohio Edison, East Ohio Gas Company, and Ohio Bell.

[d] Those Council members elected by wards in whose ward(s) the property that is the subject of the

application is located plus all at-large Council members.

ODOT: Ohio Department of Transportation

Parks: Department of Parks and Recreation

Planning: City Planning Department

City Utilities: City Utilities Department

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320E: Approval Process Steps**

**Table 1320E: Approval Process Steps**

Step	Amend- ment	Vari- ance	Condi- tional Use	cate of Appropri- ateness	Change to Certifi- with Non- con- formity	Major Property Prelim- inary Plat	Subdivision:		Site	
							Final Plat	Minor Sub- division	Plan Review: PUD	Other
1. Optional [a] Pre- Filing Conference	x	x	x	x	x	x	-	x	x	x
2. Application Filing	x	x	x	x	x	x	x	x	x	x
3. Review by Planning Department [b]	x	x	x	x	x	x	x	x	x	x
4. Advisory action by:	PC or DRB	-	-	-	-	-	-	-	PC	-
5. Hearing by:	Council	BZBA or PC	PC	DRB	BZBA	[c]	-	-	PC	[c]
6. Final Action by:	Council	BZBA or PC	PC	DRB	BZBA	PC	PC	PD	Council	PC
7. Negotiation Period [d]	-	-	-	x	-	-	-	-	-	-
8. Waiting Period	x	x	x	x	x	x	x	x	x	x
9. Recording	-	-	-	-	-	-	x	x	x	x
10. Permit Issued	x	x	x	x	x	x	x	x	x	x

Steps for Appeals, Temporary Uses, Interpretations, Minor Variances, and Unlisted Uses Similar to Listed Uses are governed by simpler approval processes and are not listed. Multi-Stage Review

applications go through steps 2 through 6 another time after step 6.

- [a] May be scheduled at applicant's option.
- [b] At the option of the Department.
- [c] Hearing may be held by Planning Commission at Commission's option.
- [d] Applies only if Final Action is disapproval.

- BZBA: Board of Zoning and Building Appeals
- Council: City Council
- DRB: Design Review Board
- PC: City Planning Commission

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320F: Plat Certificates**

**Table 1320F: Plat Certificates**

Certificates shall be in this or a substantially equivalent form approved by the Director of Law.

NOTE: On a plat requiring more than one sheet, the required certificates shall appear on each sheet.

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320F: Plat Certificates / 1. Title**

**1. Title**

\_\_\_\_\_ Subdivision, Part of original tract \_\_\_\_\_

\_\_\_\_\_ (city or township) \_\_\_\_\_

\_\_\_\_\_ (county) \_\_\_\_\_

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320F: Plat Certificates / 2. Ownership and Acceptance**

**2. Ownership and Acceptance**

I (we) the undersigned \_\_\_\_ (name lettered) \_\_\_\_ am (are) legal owner(s) of the property shown and described herein and do hereby freely adopt this plan or plat of subdivision.

\_\_\_\_ (date) \_\_\_\_, 19/20 \_\_\_\_

Owner: \_\_\_\_ (signature) \_\_\_\_ (witness) \_\_\_\_

(name lettered) \_\_\_\_ (witness) \_\_\_\_

Owner: \_\_\_\_ (signature) \_\_\_\_ (witness) \_\_\_\_

(name lettered) \_\_\_\_ (witness) \_\_\_\_

(To be notarized)

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320F: Plat Certificates / 3. Dedication**

**3. Dedication**

The owner hereby irrevocably offers for dedication forever to \_\_\_\_ all of the following except where specifically indicated as private: streets, alleys, local government uses, easements, parks, playgrounds, and other open spaces, and required public utilities, and other public places or public facilities shown in the attached plat or plan and construction plans in accordance with an irrevocable offer of dedication dated \_\_\_\_ and recorded with the \_\_\_\_ County Recorder.

By: \_\_\_\_\_

Date: \_\_\_\_\_

(To be notarized)

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320F: Plat Certificates / 4. Surveyor or Engineer**

**4. Surveyor or Engineer**

I hereby certify this survey and plat drawn by me or under my supervision to be a correct representation of all existing land divisions and features prepared from an actual survey of the property made on the ground by me or under my supervision that correctly shows the locations, sizes, and materials of all monuments that are set or will be set upon completion of construction and that complies

:"American Legal Publishing Corporation"



with all applicable provisions of City regulations.

\_\_\_\_(date)\_\_\_\_, 19/20\_\_\_\_

\_\_\_\_\_

Registered Surveyor or

Registered Engineer

Ohio Registration Number

(SEAL)

(To be notarized)

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320F: Plat Certificates / 5. Notary**

**5. Notary**

(To appear directly below certificates that are required to be notarized)

State of Ohio )

County of \_\_\_\_\_ )

Before me, a Notary Public in and for said Coun-ty and State, personally appeared the above owner(s)/officers of the \_\_\_\_\_ company, who acknowledged the making and signing of the foregoing instrument to be their free act and deed.

IN WITNESS whereof I have hereunto set my hand and official seal at \_\_\_\_ (city)\_\_\_\_, \_\_\_\_ (state)\_\_\_\_, this \_\_\_\_\_ Day of \_\_\_\_ (month)\_\_\_\_, 19/20 \_\_\_\_.

\_\_\_\_\_

Notary Public

My Commission expires \_\_\_\_\_

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320F: Plat Certificates / 6. Installation or Guarantee of Required Improvements**

**6. Installation or Guarantee of Required Improvements**

I hereby certify:

that pavements, utilities, and other required improvements have been installed in an acceptable manner and according to City of Barberton specifications on the property described hereon.

ALTERNATE: that performance guarantees in the amount of \$ \_\_\_\_\_ in conformance with City regulations have been posted with the \_\_\_\_\_ to assure completion of all required improvements in case of default.

\_\_\_\_\_(date)\_\_\_\_, 19/20\_\_\_\_ \_\_\_\_\_

City Engineer

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320F: Plat Certificates / 7. Planning Commission Approval**

**7. Planning Commission Approval**

This Plat of Subdivision has been approved by the Planning Commission of the City of Barberton, Ohio.

\_\_\_\_\_(date)\_\_\_\_, 19/20\_\_\_\_ \_\_\_\_\_

Chairperson

\_\_\_\_\_

Secretary

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320F: Plat Certificates / 8. Acceptance of Dedications**

**8. Acceptance of Dedications**

The public streets/easements/parks/other public areas and improvements dedicated to public use have been accepted by the Council of the City of Barberton, Ohio, by Ordinance No. \_\_\_\_\_.

\_\_\_\_\_(date)\_\_\_\_, 19/20\_\_\_\_ \_\_\_\_\_

President of Council

\_\_\_\_\_

Clerk of Council

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320F:  
Plat Certificates / 9. Transfer (County Auditor)**

**9. Transfer (County Auditor)**

Transferred this \_\_\_\_\_ day of \_\_\_\_\_, 19/20\_\_\_\_.

\_\_\_\_\_

County Auditor

\_\_\_\_\_ County, Ohio

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320F:  
Plat Certificates / 10. Recording (County Recorder)**

**10. Recording (County Recorder)**

Received for record this \_\_\_\_ day of \_\_\_\_\_, 19/20\_\_ at \_\_\_\_ AM/PM.

Recorded in Plat Book \_\_\_\_\_, Page No. \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 19/20\_\_ at \_\_\_\_ AM/PM.

\_\_\_\_\_

County Recorder

\_\_\_\_\_ County, Ohio

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320F:  
Plat Certificates / 11. Tax Payments**

**11. Tax Payments**

State of Ohio )

County of \_\_\_\_\_ )

I, \_\_\_\_\_, County Clerk of \_\_\_\_\_ County, Ohio, do hereby certify that there are no delinquent or unpaid current or forfeited taxes or special assessments against any of the land included in the attached plat.

Dated this \_\_\_\_ day of \_\_\_\_\_ 19/20\_\_\_\_.

\_\_\_\_\_  
County Clerk  
\_\_\_\_\_ County, Ohio

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320F:  
Plat Certificates / 12. Minor Subdivision**

**12. Minor Subdivision**

State of Ohio )  
County of \_\_\_\_\_ )

Approved by Director of Planning, City of Barberton, this \_\_\_\_ day of \_\_\_\_ AD \_\_\_\_; no plat required.

\_\_\_\_\_  
Director of Planning  
City of Barberton

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320F:  
Plat Certificates / 13. Other Approval**

**13. Other Approval**

(For use when other agency approvals are required)

State of Ohio )  
County of \_\_\_\_\_ )

Approved this \_\_\_\_ day of \_\_\_\_ AD \_\_\_\_.

\_\_\_\_\_

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320G:  
Form for Performance Bond**

## Table 1320G: Form for Performance Bond

Performance bonds shall be in this or a substantially equivalent form, approved by the Director of Law.

NOTE: Language should be modified as appropriate for performance bonds used to guarantee performance other than the installation of subdivision improvements.

Barberton, Ohio

### PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, \_\_\_\_\_, Principal herein is the owner and developer of the \_\_\_\_\_ subdivision located in \_\_\_\_\_ County, Ohio, and

WHEREAS, the plans and specifications of said Subdivision showing the location, construction, and installation of street pavements, curbs, sidewalks, sewers, water mains and other improvements therein have been filed with the City Planning Commission for final approval, and which are hereby referred to and made a part of this instrument, as if fully copied and set forth herein, and

WHEREAS, the Principal herein does hereby obligate itself and does agree to complete the construction and installation of all street pavements, curbs, sidewalks, sewers, water mains, and all other improvements in the said Subdivision in accordance with the said plans and specifications now on file, pending final approval by the said Commission.

NOW, THEREFORE, THE \_\_\_\_\_, as Principal and \_\_\_\_\_, as Surety, do hereby firmly bind ourselves, our heirs, executors, administrators, and successors unto the City Planning Commission of Barberton, Ohio, in the sum of \$ \_\_\_\_\_ conditioned upon the performance by the Principal of its undertakings herein, and its completion of the said \_\_\_\_\_ Subdivision in the construction of all the street pavements, curbs, sidewalks, sewers, water mains, and all other improvements therein called for by the plans thereof, the same to be completed on or before the \_\_\_\_\_ day of \_\_\_\_\_ 19/20\_\_\_\_, and upon the completion thereof this obligation to be null and void, otherwise to remain in full force and effect.

If the Principal fails to complete the construction, and the improvements of said Subdivision as shown and provided for by said plans and specifications herein referred to within the time herein specified, the Commission may in its discretion extend the time for the completion of said work by order duly made

and entered by the said Com-mission for a period of from 30 days to 90 days.

WITNESS our hands this the \_\_\_\_\_ day of \_\_\_\_\_, 19/20\_\_\_\_\_.

WITNESS:

\_\_\_\_\_  
 \_\_\_\_\_  
 PRINCIPAL

\_\_\_\_\_  
 \_\_\_\_\_  
 SURETY

**Title 4 : Development Administration / Chapter 1320 Approval Procedures / Table 1320H:  
 Time Limits on Application Processing Actions**

**Table 1320H: Time Limits on Application Processing Actions**

*NOTE: This table is for convenient reference only.  
 Requirements are as provided in text of the regulations.*

<u>Action</u>	<u>Taken</u> <u>By</u>	<u>Time Restriction on Action:</u>				
		<u>Maximum</u> <u>or</u> <u>Minimum</u>	<u>Number</u> <u>of</u> <u>Days</u>	<u>Before</u> <u>or</u> <u>After</u>	<u>Event</u>	
1. Notification to applicant of action on acceptance of application (1320.02(d)(7))	AO	maximum		10	after	Filing of application
2. Notice to applicant of date of meeting:						
A. Public Hearing 1320.02(d)(9) 1320.01(f)	AO	minimum	15	before	Hearing date (#6, #8)	
B. Other Meeting 1320.02(d)(9)	AO	minimum	5	before	Meeting date (#6, #8)	
3. Public Hearing Notice 1320.01(f)						
A. Sign	App	minimum	15	before	Hearing date	

**Barberton Development Code**

(#6, #8)

	B. Written	AO	minimum	15	before	Hearing date (#6, #8)
	C. Published	AO	minimum	15	before	Hearing date (#6, #8)
4.	Agency Notice 1320.02(d)(10) Table 1320D	AO	maximum		3	after Acceptance of application (#1)
5.	Planning Dept review of application made available 1320.02(e)(1)	PD	minimum	5	before	Meeting date (#6, #8)
6.	Meeting of Advisory Action Body 1320.02(f)(3)A	AAB	maximum	25	after	Acceptance of application (#1)
7.	Advisory Action Body report made available 1320.02(f)(3)B	AAB	maximum		5	after Advisory action taken
		AAB	minimum	5	before	Meeting of Final Action Body (#8)
8.	Meeting of Final Action Body 1320.02(d)(9)	RB	maximum		45	after Acceptance of application (#1)
9.	Action by Final Action Body 1320.02(f)(6)A 1320.02(f)(8)B	FAB	minimum	45	after	Acceptance of application (#1) [a]
		PC	minimum	60/90	after	Mandatory Referral
		FAB	maximum		60	after Acceptance of application (#1)
10.	Second recommendation to Planning Commission from PUD Technical Review Committee 1320.02(f)(4)	PTRC	maximum		30	after PC disapproval of first PTRC recommendation
11.	Notice to applicant and Review Body by Planning Director of decision not to take action 1320.02(f)(12)C	PD	maximum		7	after Director's receipt of application
12.	Final action by Planning Director or Building	PD or BC	maximum		14	after Receipt of application (#1)

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	Commissioner [b] 1320.02(f)(12)C						
13.	Notice of action by Final Action Body 1320.02(g)(1)A	AO	maximum	5	after	Final Action Body Action (#9)	
14.	Appeal of Final Action 1320.02(g)(2) 1310.03(c)(3)A1	App	maximum	10	after	Date of action appealed	
15.	Issuance of permit (or taking of action) requiring Certificate of Appropriateness 1320.02(g)(4)	BC or App	minimum	180 or 270 [c]	after	Disapproval of Certificate	
16.	Issuance of permit 1320.02(g)(5)A 1320.02(g)(5)B 1310.03(i)	BC	minimum	10	after	Final Action approval (#9) [d]	
		BC	minimum	30	after	Final Action approval by City Council (#9) [e]	
17.	Issuance of permit or certificate approval by Final Action Body 1320.02(g)(13)	BC	maximum		7	after	Notification to Bldg. Comm. of FAB approval or expiration of waiting period referenced in No. 16.
18.	Notice to permit holder of proposed revocation 1320.02(g)(14)	BC	minimum	21	before	Revocation of permit	
19.	Filing of application for Final Plat or Final Site Plan 1320.02(d)(6)	App	maximum	360		after	Approval of Preliminary Plat or Plan
20.	Expiration of Preliminary Plat or Plan approval 1320.02(g)(15)A, B	(automatic)	-	360	after	Approval of Preliminary Plat or Plan [f]	
		(automatic)	-	720	after	Approval of Final Plat or Plan [g]	
		(automatic)	-	1,440	after	Approval of	



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Final Plat  
or Plan [h]

21.	Resubmittal of application 1320.02(g)(18)	App	minimum	360	after	Final Action disapproval of application or expiration of
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Note: In rare cases these time limits may be affected by the requirements of division 1320.02(f)(15), Applications Affecting Highway Acquisitions.

All days are calendar days, not business days.

#\_\_: Refer to item number \_\_ in this table.

AAB: Advisory Action Body

AO: Administrative Officer (Planning Director or Building Commissioner)

App: Applicant                      BC: Building Commissioner      FAB: Final Action Body

PTRC: PUD Technical Review Committee

RB: Review Body (usually Planning Commission, Design Review Board, or Board of Zoning and Building Appeals)

[a] Does not apply if Final Action Body has received a report on the application from the Advisory Action Body.

[b] When authorized by Code.

[c] Negotiation period.

[d] Required to allow for appeal of action taken.

[e] Unless waived by Council, per Section 5.12 of Charter.

[f] Unless final Plat or Final Plan has been submitted.

[g] Unless construction on development has begun.

[h] Unless all construction on development has been completed.

**Title 4 : Development Administration / Chapter 1340 Nonconformities**

## **Chapter 1340 Nonconformities**

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### **Title 4 : Development Administration / Chapter 1340 Nonconformities / 1340.01 Purpose**

#### **1340.01 Purpose**

The intent of this chapter is to provide for the continuation and, under appropriate circumstances, elimination of characteristics of existing uses of property in the City of Barberton that do not conform to the requirements of this Code or that may not conform to future amendments thereto.

The provisions herein are designed to accomplish this intent in a way that:

(a) recognizes the rights of owners of properties that have been rendered nonconforming by City action to upgrade development policies and standards; and

(b) allows the property owner or lessee to recover his or her investment in a Nonconformity, while also recognizing that by virtue of the Nonconformity he or she enjoys a right not generally available to other properties in the same district; and

(c) minimizes the nuisance, reduction in neighboring property values, and other adverse effects of properties that do not conform to their environs.

### **Title 4 : Development Administration / Chapter 1340 Nonconformities / 1340.02 Types of Nonconformities**

#### **1340.02 Types of Nonconformities**

##### **Title 4 : Development Administration / Chapter 1340 Nonconformities / 1340.02 Types of Nonconformities / (a) Standards Nonconformities**

###### **(a) Standards Nonconformities**

Standards Nonconformities, as defined herein, usually involve failure to conform to the quantitative

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development standards established herein, such as for lot dimensions, yards, off-street parking, Floor Area Ratio, or landscaping.

Some Standards Nonconformities are difficult and costly to eliminate, while others are not. Similarly, some Standards Nonconformities have significant adverse impact on their environs, while others have minimal impact.

Examples of a Standards Nonconformity are a house with an interior side yard smaller than required by the Code or a business with fewer offstreet parking spaces than the Code mandates.

**Title 4 : Development Administration / Chapter 1340 Nonconformities / 1340.02 Types of Nonconformities / (b) Use Nonconformities**

**(b) Use Nonconformities**

Use Nonconformities, as defined herein, normally have more significant adverse impact on their surroundings than Standards Nonconformities. And Use Nonconformities can normally be eliminated more easily and at less cost than other Nonconformities.

An example of a Use Nonconformity is a business in a Residential District that was previously conforming when the site was zoned commercial.

**Title 4 : Development Administration / Chapter 1340 Nonconformities / 1340.03 Rules for Nonconformities**

**1340.03 Rules for Nonconformities**

**Title 4 : Development Administration / Chapter 1340 Nonconformities / 1340.03 Rules for Nonconformities / (a) Continuation and Elimination**

**(a) Continuation and Elimination**

Nonconformities shall be lawful hereunder and may continue without time limitation except when required to be removed by Table 1340A.

**Title 4 : Development Administration / Chapter 1340 Nonconformities / 1340.03 Rules for Nonconformities / (b) Enlargement of Nonconformity**

**(b) Enlargement of Nonconformity**

No greater degree or additional instance of nonconformity shall result from any action taken under Table 1340A than existed before the action was taken, except as may be specifically authorized by Table 1340A or by Variance under division 1310.03(a).

**Title 4 : Development Administration / Chapter 1340 Nonconformities / 1340.03 Rules for Nonconformities / (c) Certificate Required**

**(c) Certificate Required**

A Certificate of Occupancy shall be required for the continuation of all Nonconformities created by this Code or any amendment thereto.

When the Building Commissioner determines that a property has any Nonconformity, he or she shall notify the owner or lessee thereof of such Noncon-formity and of applicable regulations.

Such notice shall require that the recipient file with the Director, within 90 days of the date thereof, either satisfactory evidence that the property is conforming or a completed application for a Certificate of Occupancy to continue the Nonconformity.

Upon timely receipt of a complete and accurate application therefor, the Commissioner shall issue a Certificate of Occupancy for the nonconforming property.

The Commissioner shall maintain a file of all Nonconformities of which he or she has sent notice and of all Nonconformities issued Certificates of Occupancy.

**Title 4 : Development Administration / Chapter 1340 Nonconformities / 1340.03 Rules for Nonconformities / (d) BZBA Action**

**(d) BZBA Action**

Action by the Board of Zoning and Building Appeals required under Table 1340A shall conform to the procedures established in division 1310.03(d), and to the Approval Criteria for Changes to Properties With Nonconformities in Table 1310F.

**Title 4 : Development Administration / Chapter 1340 Nonconformities / 1340.03 Rules for Nonconformities / (e) AO District**

**(e) AO District**

**Title 4 : Development Administration / Chapter 1340 Nonconformities / 1340.03 Rules for Nonconformities / (e) AO District / (1) Classification in AO**

***(1) Classification in AO***

City Council may classify any property in the AO Amortization Overlay District if it determines that such classification would be consistent with the purposes of the District as set forth in division 1110.05(b)(2)B.

Such classification shall be in accordance with procedures specified in Section 1310.02.

**Title 4 : Development Administration / Chapter 1340 Nonconformities / 1340.03 Rules for Nonconformities / (e) AO District / (2) Amortization Requirements**

***(2) Amortization Requirements***

**A. Classes of Nonconformities Amortized**

The ordinance that adds the AO classification to a property shall specify which particular provisions of this Code with which a property may be nonconforming (such as the number-of-spaces parking requirement or maximum sign height requirement) shall be subject to amortization.

The classes of Nonconformities selected for amortization may be different in each AO District but shall in all cases be based on findings of fact that amortization of the particular Nonconformity is warranted in the particular district to achieve the purpose of AO zoning.

**B. Amortization Period**

The ordinance shall also specify the starting point and length of the amortization period for each class of Nonconformity to be amortized, which may be different for each class.

The length of the amortization period shall correspond to the difficulty or expense involved in removing the Nonconformity and to any other factors deemed appropriate by City Council.

**Title 4 : Development Administration / Chapter 1340 Nonconformities / Table 1340A: Mandatory Elimination of Nonconformities**

**Table 1340A: Mandatory Elimination of Nonconformities**

Type [a] of

Nonconformity

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**Barberton Development Code**

<u>Event</u>	<u>Nonconformity on Property</u>	<u>Required to Be Eliminated?</u> [b]
<b><i>A. Expansion:</i></b>		
1. ADDITION/ENLARGEMENT		
a. Small [c], to Building	Use	No [d]
b. All Other	Use	BZBA Decision [f]
	Parking [e]	Yes
	All Other Standards	BZBA Decision [f] [g]
	Any, on a Sign	Yes
2. INTERNAL EXPANSION		
a. Within a Structure	Parking [e]	Yes
	All Other	No
b. Of Use of Open Land	Any	Yes

***B. Other Construction:***

1. REPAIRS/MAINTENANCE		
a. Without Structural Alteration, as defined herein	Any	No
b. Government-mandated	Any	No
c. All Other	See "Reconstruction"	
2. RECONSTRUCTION		
a. Minor	Any	No
b. Major	Use	Yes
	Standards	BZBA Decision [f][h]
c. To Reduce Nonconformity	Any	No

***C. Use:***

1. CHANGE OF USE, as defined herein		
	Use	Partially [i]
	Parking [e]	Yes
	Any, on a Sign	Yes
	All Other Standards	BZBA Decision [f]

**Barberton Development Code**

2. RESUMPTION of Discontinued Use	Any	Yes
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**D. Other:**

1. MOVING of Use or Structure [j]	Any	Yes
2. DEVELOPMENT OF VACANT LOT for Any Conforming Use [k]	Standards	No
3. ANY EVENT	Exempted	No [g]
4. Expiration of AMORTIZATION Period	Per 1340.03(e)	Yes
5. CHANGE OF OCCUPANCY, as defined herein	Any, on a Sign All Other	Yes No
6. ALL OTHER EVENTS	Any	No

**Title 4 : Development Administration / Chapter 1340 Nonconformities / Table 1340A:  
Mandatory Elimination of Nonconformities / Notes for Table 1340A**

**Notes for Table 1340A**

Note: For nonconforming signs, see also Section 1230.06.

ACTION ON PROPERTY

A(1) Addition/Enlargement:

Any addition or enlargement to a structure.

A(2) Internal Expansion:

a. Within a Structure:

Expansion of a Principal or Accessory Use within a structure involving no structural alteration, as defined herein.

b. Of Use of Open Land:

Extension of a Principal or Accessory Use of a land or water area not involving a building, or only incidentally involving one as an Accessory Use, beyond the area occupied as of the time such use became nonconforming.

B(1) Repairs/Maintenance

(b) Government-Mandated:

Any repairs or rebuilding mandated by the Building Commissioner or other authorized government agency or court to correct unsafe or unhealthy conditions or to secure compliance with any court order, law, or regulation other than this Code.

B(2) Reconstruction

(a) Minor Reconstruction:

Repair or reconstruction work within any 12-month period on, or replacement of, a damaged or destroyed permanent sign or structure that has a cumulative value of 50 percent or less of the current replacement value of the structure, based on figures approved by the Building Commissioner.

(b) Major Reconstruction:

Any repair or rebuilding that does not qualify as a Minor Reconstruction, including total replacement of a permanent sign or structure that is completely removed with another of the same type.

(c) To Reduce Nonconformity:

Repair or rebuilding of any magnitude that has the effect of eliminating or reducing Nonconformities on the property.

If a permanent sign or structure to be replaced has been removed--other than by natural forces, casualties, or to avoid immediate danger to public health or safety--prior to a final decision hereunder on any Board of Zoning and Building Appeals approval required, total elimination of all Nonconformities of the sign or structure shall be required in the replacement sign or structure.

C(2) Resumption of Discontinued Use

Any resumption, expansion, or change in any use that was discontinued voluntarily and intentionally in the judgment of the Building Commissioner for a continuous period of 6 months or more.

The following shall not be considered discontinued uses:

1. A temporarily closed seasonal use
2. A use temporarily closed for remodeling or reconstruction under an unexpired Building



Permit issued within the preceding 12 months

3. A use temporarily closed because of governmental action, such as a street closure for construction purposes, that has impeded access thereto

4. A use such as a business that is closed while the use is in the process of being sold, but not while the real estate is in the process of being sold

5. A use closed pending the outcome of a legal proceeding

6. A use showing other indications satisfactory to the Building Commissioner of an intent to resume the use within a reasonable period.

D(1) Moving of Structure

The relocating of a structure in whole or in part to any other location on the same or any other lot other than for the purpose of making the location thereof less nonconforming.

D(2) Development of Vacant Lot

Development of any vacant nonconforming lot of record, as defined herein, that has no substantial structure upon it, whether or not previously developed.

D(3) Any Action / Exempted Nonconformities:

Exempted Nonconformities are any Nonconformities resulting solely from changes in the locations of streets, structures, or uses that were beyond the control of the owner of the property with the Nonconformity. Examples are a nonconforming yard or setback resulting solely from a street widening or a spacing or setback Nonconformity resulting solely from relocation of a structure on an abutting lot in different ownership.

OTHER NOTES

[a] See Section 1340.02.

[b] A "yes" in the third column of this table requires that any Nonconformity of the type specified in the second column be completely eliminated when the event specified in the first column occurs, except as may be authorized by Variance.

[c] A one-time addition to or enlargement of a building of no more than 30 percent of existing gross floor area or 500 square feet, whichever is greater. All subsequent additions or enlargements of any magnitude on the same property shall be subject to item A1b of the Table.

[d] The Use Nonconformity is not required to be eliminated if the use is allowed as a Permitted Use in

the next higher-numbered district with the same letter prefix (such as "RM" or "C").

[e] A Nonconformity with required number of parking spaces.

[f] BZBA Decision:

The specified action shall not be taken unless Nonconformities are reduced or eliminated to the extent determined by action of the Board of Zoning and Building Appeals. Such determination shall be made as provided under division 1310.03(d), Changes to Properties with Nonconformities. Approval Criteria shall be as provided in Table 1310E.

The Board of Zoning and Building Appeals may require:

1. that all Nonconformities be completely eliminated, or
2. that some Nonconformities be either completely eliminated or reduced in degree, or
3. that no Nonconformities be reduced or eliminated.

As part of its determinations, the Board may establish such conditions as it deems necessary to conform to applicable Approval Criteria.

No Board of Zoning and Building Appeals decision shall be made hereunder that would deny all reasonable economic use of the lot.

[g] Exempted Nonconformities (see note D(3)) are not required to be eliminated. Elimination of all other Nonconformities on the property is as required by other provisions of this table.

[h] Notwithstanding this provision, all Nonconformities shall be required to be eliminated if a Building Permit has not been secured within 1 year of the date of the damage or destruction, and construction has not been diligently prosecuted to completion.

[i] Use may be changed either to a conforming use or to a different nonconforming use that is allowed in a more restrictive district, as defined herein.

[j] The elevation of the ground previously covered by a moved structure shall be restored to the grade of the rest of the lot.

[k] A use that conforms to current Code requirements in all respects except the nonconforming characteristic(s) of its lot, such as substandard lot area or lot width.

#### **Title 4 : Development Administration / Chapter 1350 Administration**

## **Chapter 1350 Administration**

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### **Title 4 : Development Administration / Chapter 1350 Administration / 1350.01 Permits and Certificates**

#### **1350.01 Permits and Certificates**

For purposes of administration of this Code certain certificates and permits are hereby established.

### **Title 4 : Development Administration / Chapter 1350 Administration / 1350.01 Permits and Certificates / (a) Building Permit**

#### **(a) Building Permit**

It shall be unlawful to commence the construction, alteration, enlargement, or repair of any structure in the City without obtaining a Building Permit as provided in the City Building Code.

Except for signs, interior remodeling, facade renovation, and other Permit applications exempted by the Building Commissioner, an applicant for a Building Permit shall submit a plot plan drawn to scale showing:

- (1) all lot lines
- (2) all required yards
- (3) all encroachments beyond lot lines
- (4) all easements on the lot

(5) all other information necessary for the Commissioner to determine compliance with all applicable provisions of this Code.

### **Title 4 : Development Administration / Chapter 1350 Administration / 1350.01 Permits and Certificates / (b) Certificate of Occupancy**

**(b) Certificate of Occupancy**

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.01 Permits and Certificates / (b) Certificate of Occupancy / (1) When Required**

***(1) When Required***

Except as otherwise provided herein, it shall be unlawful to take any of the following actions without obtaining a Certificate of Occupancy from the City:

- A. occupy or use any structure, land, water area, air rights, or other premises in the City, or
- B. extend or expand such occupancy or use, or
- C. change the occupancy thereof, or
- D. establish a change of use, as defined herein.

An application for a Building Permit shall be considered an application for a Certificate of Occupancy.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.01 Permits and Certificates / (b) Certificate of Occupancy / (2) Exemptions**

***(2) Exemptions***

The following shall be exempt from the requirement for a Certificate of Occupancy hereunder:

- A. Land used for agricultural cultivation, where permitted hereunder, and
- B. Residential buildings in which there is a change of occupancy but no change of use, as defined herein, and
- C. Temporary Uses for which a Temporary Use Permit has been issued as provided herein.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.01 Permits and Certificates / (b) Certificate of Occupancy / (3) Issuance**

***(3) Issuance***

The Building Commissioner shall issue no Certificate of Occupancy for a new or remodeled premises unless he or she has inspected the premises after completion of all construction and has

certified that the premises is in conformity with the plans on which the Building Permit was based.

He or she shall likewise issue no Certificate of Occupancy for a change of use or occupancy before issuing a Certificate of Compliance for the proposed use or occupancy.

The Commissioner shall either issue or deny a Certificate of Occupancy within 30 days of application therefor. He or she shall advise the applicant in writing of the reasons for any denial.

The Commissioner may issue a temporary Certificate for a period not to exceed 6 months for occupancy or partial occupancy pending completion of construction or alterations if he or she determines such issuance is consistent with the safety of the occupants.

A Certificate of Occupancy shall become void if the use for which it is issued is not established within 60 days of the date of issuance thereof.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.01 Permits and Certificates / (c) Certificate of Compliance**

**(c) Certificate of Compliance**

The Building Commissioner shall issue no Building Permit, Certificate of Occupancy, Sign Permit, or other permit or certificate for any use, construction, or occupancy before a dated Certificate of Compliance has been issued certifying that the plans, use, occupancy, and completed construction, if any, for the property for which the Permit or Certificate is sought comply with:

(1) all applicable provisions of City development regulations in effect as of the date of the Certificate of Compliance, except as otherwise permitted by Variance or other relief approved hereunder, and

(2) all conditions to which any Development Approval under Chapter 1310 was made subject.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.01 Permits and Certificates / (d) Temporary Use Permit**

**(d) Temporary Use Permit**

The Building Commissioner may issue a Temporary Use Permit for a Temporary Use as provided in division 1310.04(a).

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.01 Permits and Certificates / (e) Conditional Use Permit**

**(e) Conditional Use Permit**

The Building Commissioner shall issue no Certificate of Compliance for any use established as a Conditional Use in the regulations for the applicable zoning district unless a Conditional Use Permit has been approved or conditionally approved as provided in division 1310.03(b).

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.01 Permits and Certificates / (f) Certificate of Appropriateness**

**(f) Certificate of Appropriateness**

The Building Commissioner shall issue no Certificate of Compliance for any property in a the PO Preservation Overlay District until a Certificate of Appropriateness has been approved or conditionally approved.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.01 Permits and Certificates / (g) Sign Permit**

**(g) Sign Permit**

No sign shall be displayed before the Building Commissioner has issued a Sign Permit, except as otherwise provided in Chapter 1230.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.01 Permits and Certificates / (h) Curb Cut Permit**

**(h) Curb Cut Permit**

No driveway shall be permitted onto a public street before the City Engineer has issued a Curb Cut Permit therefor.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.01 Permits and Certificates / (i) Development Permit**

**(i) Development Permit**

No development shall be undertaken within an Area of Special Flood Hazard before the Building Commissioner has issued a Development Permit therefor.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.01 Permits and Certificates / (j) Highway Land Acquisitions**

**(j) Highway Land Acquisitions**

No permit authorized herein shall be issued in areas of potential state highway land acquisition except in conformance with division 1320.02(f)(15).

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.02 Financial Guarantees**

**1350.02 Financial Guarantees**

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.02 Financial Guarantees / (a) When Required**

**(a) When Required**

Financial guarantees shall be required:

(1) for any improvements--whether public or private, permanent or temporary--required by Chapters 1210 through 1240 that have not been installed or completed and accepted by the City or other applicable public body prior to approval of a Final Plat or Final Site Plan, or

(2) for any such improvements required in a site condominium or site cooperative development not yet completed and accepted by the City or other applicable public body prior to the issuance of any Building Permit therefor, or

(3) for any such improvement required on a lot in an existing subdivision that has not been completed and accepted prior to issuance of a Building Permit

(4) for any other guarantee of future performance required by this Code or by a condition to which any approval has been made subject by the applicable Final Action Body specified in Table 1320A that has not been completed and accepted by the City prior to issuance of a Building Permit, Certificate of Occupancy, Conditional Use Permit, or other applicable permit, certificate or other City approval, or

(5) as provided elsewhere in this Code.

No City permit or certificate for an action in connection with which a guarantee is required shall be issued prior to submission of such guarantee to the City or applicable public body.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.02 Financial Guarantees / (b) Form of Guarantee**

**(b) Form of Guarantee**

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.02 Financial Guarantees / (b) Form of Guarantee / (1) Contract**

*(1) Contract*

When a guarantee is required hereunder, the subdivider, builder, property owner, business or other principal--all referred to herein as the developer--shall enter into a contract with the City or other applicable public body.

In this contract the developer shall:

A. agree to perform or complete the performance of applicable regulations or conditions within a time period specified, and

B. grant the City or other applicable public body and its contractors the right of entry onto the affected property for the purpose of achieving such performance should the developer default thereupon, and

C. warrant that any physical improvement guaranteed will be free of defect upon completion and for one year from the date of its acceptance hereunder.

With such contract the developer shall file a financial guarantee of performance. Such guarantee shall be payable to the City and shall be approved by the Director of Law as to form, sufficiency, manner of execution, and surety.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.02 Financial Guarantees / (b) Form of Guarantee / (2) Preferred Financial Guarantees**

*(2) Preferred Financial Guarantees*

A required guarantee may take the form of:

A. a performance bond executed by a surety company authorized to do business in Ohio



B. an irrevocable bank letter of credit

C. a certified or cashier's check

D. a deposit of cash, a note, a bond, or other instrument readily convertible to cash at face value in a trust account with a bank, trust company, or qualified escrow agent approved by the Director of Law

E. a certificate of deposit.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.02 Financial Guarantees / (b) Form of Guarantee / (3) Other Financial Guarantees**

***(3) Other Financial Guarantees***

In lieu of the foregoing, the Director of Law may approve use of any of the following:

A. a placing in escrow with a qualified agent approved by the Director of real or personal property of the developer that the Director determines based on documentation provided by the developer to:

1. be free of liens and other encumbrances, and

2. have an appraised value not less than the required amount of the guarantee,

and

3. be unlikely to decline in value below the amount of the required guarantee during the term thereof, and

4. be potentially easy to sell, and

5. not be pledged as security for any other purpose.

B. liens, deed restrictions, or other recorded instruments guaranteeing the work

C. an improvement credit agreement providing for incremental bank payments to the developer as performance is completed and accepted hereunder

D. other guarantee he or she may approve.

(c) Amount of Guarantee

To allow for inflation, underestimation of

costs, administrative expenses, or contingencies, a guarantee shall be in the amount of 110 percent of the cost of all materials and labor required to achieve such performance as has not yet been

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completed and accepted.

This amount shall be based on a cost estimate filed by the applicant and approved by the City Engineer. Such estimate shall include all obligations to subcontractors.

For improvements the cost of which is to be shared with the City or other property owners, the amount of the guarantee shall be 110 percent of the developer's share.

(d) Term of Guarantee

The term for which the guarantee is held or is valid shall be the time period specified by City regulations or as a condition of approval plus a warranty period of one year.

(e) Timing of Submission

A guarantee shall be filed not more than 6 months after Final Action approval or conditional approval of the application to which it pertains.

(f) Earnings on Guarantee Account

The Finance Director shall deposit a guarantee provided in the form of a cash equivalent in an interest-bearing account.

All earnings from interest-earning guarantee instruments that are not needed to complete the work if the developer defaults shall be paid to the developer less any charges for the maintenance of the account. Payment shall be made at the time all guaranteed work has been accepted or completed by the City or other applicable body.

(g) Adjustment for Inflation

Should an initial guarantee other than a replacement guarantee be submitted 2 years or more after City approval of the plans to which the guarantee pertains, the amount thereof shall be increased based on a recognized construction cost index approved by the City Engineer.

(h) Duplicate Guarantees

No agency of the City shall require a guarantee for work for which the developer is also required to post a guarantee with another governmental agency.

(i) Acceptance of Work

Acceptance of work guaranteed shall occur when the City Engineer notifies the developer in writing that he or she has determined based on an inspection by the Building Commissioner and/or other appropriate means that the work has been completed:

- (1) within the applicable time period, and
- (2) in conformance with the approved plans, and
- (3) in compliance with all applicable City regulations, and
- (4) in compliance with any other lawful conditions of City approval, and
- (5) in the case of physical improvements, in a manner free from construction or materials defects, and
- (6) with all debts to contractors, subcontractors, suppliers, and employees related to the work having been discharged in full and all liens having been removed
- (7) with no damage to existing improvements such as adjacent streets caused by construction or other guaranteed performance, and
- (8) with full clean-up of construction debris, if applicable, accomplished.

The City Engineer shall accept or refuse to accept such work within 15 days of a written request for acceptance from the developer accompanied by valid lien waivers from suppliers, contractors, subcontractors, and others providing labor or materials in connection with the guaranteed work.

He or she shall refuse to accept such work only on the basis of non-compliance with the foregoing requirements. Subject to division (n), the financial guarantee or applicable portion thereof shall be released at the time of acceptance.

Acceptance hereunder shall not constitute waiver of the warranty provided in division (b)(1)C nor of the guarantee thereof in division (n).

Acceptance of improvements to be dedicated to the public shall be as provided in 1240.09(a)(7).

**(j) Reduction After Partial Completion**

After any portion of the installation of improvements or other guaranteed performance has been completed and accepted, the developer may substitute for the current guarantee a replacement guarantee. The replacement guarantee may be of the same or different permitted form and shall be in the amount of 110 percent of a cost estimate approved by the City Engineer for the remaining work.

The replacement guarantee shall be subject to all provisions herein applicable to the original guarantee.

If the current guarantee was made in the form of a check, the developer may instead request

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that the amount corresponding to the portion of work already accepted be rebated. The City shall comply with any such valid request.

The City shall also reduce or partially rebate a guarantee if the Planning Director determines during the term thereof that because of changed conditions certain initially-required work is no longer necessary.

In no case shall the guarantee after reduction be less than 15 percent of the original amount.

**(k) Use of Guarantee in Default**

After written notice thereof to the developer, the City Engineer may use such guarantee to contract for performance of any defaulted actions.

Defaulted actions shall be guaranteed performance either not completed and accepted within the applicable time period or found after acceptance not to be in compliance with applicable City regulations or conditions of approval. The guarantee may also be used for the City's administrative cost in arranging and managing such contracts.

Subject to division (n), the Engineer shall return any funds not used for these purposes within 15 days of approving the completed work after an inspection thereof.

The Engineer shall, if he or she finds the amount of the guarantee inadequate to complete the defaulted work, notify the developer in writing that he or she is required to:

(1) complete such work within a time period specified in the notice, or

(2) provide within a time period specified in the notice a specified additional sum of money required to allow the City or other applicable public body to complete it.

**(l) Phasing**

Any phasing of the installation of improvements or other performance approved by the City shall be guaranteed.

Phasing of installation of physical improvements shall be in a manner generally proportionate to the number of dwelling units or amount of gross non-residential floor area, as applicable, to be built in each phase together with the phases that preceded it.

**(m) Time Extensions**

The City Engineer shall in writing approve a written request from the developer for an extension of time necessitated by causes beyond the developer's reasonable control, such as labor strikes or acts of God.

The Engineer may also approve any other written request for an extension if he or she determines that the public interest would not be harmed thereby.

(n) Maintenance Guarantees

(1) Landscaping

The entirety of a guarantee or portion thereof posted for the installation of street trees or other live landscaping shall be held by the City for one year after acceptance to ensure that the installations survive.

(2) Other

For other physical improvements, 10 percent of the amount of the guarantee therefor shall be held for one year after completion and acceptance of the work guaranteed to assure maintenance and support the warranty of division (b)(1)C.

(3) Replacement Guarantee

In lieu of retention by the City of part of the original guarantee, the developer may submit a new guarantee in the same amount.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.02 Financial Guarantees / (o) Form of Bond**

**(o) Form of Bond**

Bonds for financial guarantees shall take the form provided in Table 1320G.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement**

**1350.03 Enforcement**

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement / (a) Ticketable Violations**

**(a) Ticketable Violations**

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement /**

**(a) Ticketable Violations / (1) Purpose**

*(1) Purpose*

Because certain violations have less detrimental impact and can be corrected easily and at modest expense, a special enforcement procedure is hereby established for Ticketable Violations.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement /**

**(a) Ticketable Violations / (2) Types of Ticketable Violations**

*(2) Types of Ticketable Violations*

The Building Commissioner shall establish a written list of violations of this Code to be treated as Ticketable Violations. Such list shall be available for public inspection in his or her office. Ticketable Violations shall be considered as civil infractions rather than as criminal misdemeanors.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement /**

**(a) Ticketable Violations / (3) Issuance of Warning Ticket**

*(3) Issuance of Warning Ticket*

An inspector with the Building Department shall issue a Warning Ticket to the violator if he or she determines that there exists any Ticketable Violation as provided herein. No fine or penalty shall be assessed by a Warning Ticket.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement /**

**(a) Ticketable Violations / (4) Issuance of Citation**

*(4) Issuance of Citation*

The Building Commissioner shall issue a Citation to the violator if he or she determines that:

A. the violator has not taken any of the actions specified herein in response to the Warning Ticket, or

B. the same violation by the party to whom the Warning Ticket was issued has been the subject of a previous Citation or Notice of Violation.

The Citation shall assess a fine in an amount established by City Council.

Issuance of a Citation may be appealed under division 1310.03(c).

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement /**

**(a) Ticketable Violations / (5) Conversion to Major Violation**

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*(5) Conversion to Major Violation*

If in response to the issuance of a Citation the violator has not taken one of the actions specified in division (c)(6), Actions of Violator, he or she shall be guilty of a Major Violation and shall be subject to the enforcement procedures therefor.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement / (b) Major Violations**

**(b) Major Violations**

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement / (b) Major Violations / (1) Applicability**

*(1) Applicability*

A party shall be guilty of a Major Violation if it has:

A. violated any provision of this Code, or any condition to which any approval thereunder has been made subject, other than a Ticketable Violation as provided in division (a)(2) of this section, or

B. failed to take one of the actions specified in division (c)(6) in response to the issuance of a Citation, or

C. resumed or repeated a Ticketable Violation previously discontinued in compliance with a Citation.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement / (b) Major Violations / (2) Notice of Violation**

*(2) Notice of Violation*

If the Building Commissioner determines that a Major Violation exists, he or she shall issue a Notice of Violation to the violator.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement / (b) Major Violations / (3) Legal Action**

*(3) Legal Action*

If the violator has not taken one of the actions specified in division (c)(6) of this Section, in response to the Notice of Violation, the Commissioner shall request the Director of Law to file an

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action in court to correct the violation.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement / (c) General Provisions on Enforcement**

**(c) General Provisions on Enforcement**

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement / (c) General Provisions on Enforcement / (1) Penalty**

**(1) Penalty**

**A. Amount**

Unless a different penalty is provided herein, for any action specified in division (c)(1)B a person shall be fined:

1. not more than as provided in division (a)(4) upon issuance of a Citation, or
2. not less than \$100 nor more than \$500 (or not less than \$100 nor more than \$1,000 for a second or subsequent offense) upon issuance of a Notice of Violation

**B. Actions Incurring Penalty**

The penalties specified in division (c)(1)A shall apply when any person:

1. violates any applicable regulation, or
2. violates any written order issued thereunder, or
3. refuses to permit entry at a reasonable hour by an inspector for the purpose of making an inspection, or
4. hinders or delays an inspector while making such an inspection.

Each day or portion thereof that any violation exists after the expiration of any time period for discontinuation thereof established by the Building Commissioner in a Notice of Violation shall constitute a separate offense.

The imposition of a fine hereunder shall not preclude the Director of Law from instituting legal action to prevent, correct, or abate a violation, nor shall it be construed as excusing or permitting the continuation of a violation.



**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement /**  
**(c) General Provisions on Enforcement / (2) Building Commissioner Responsible**  
***(2) Building Commissioner Responsible***

The Building Commissioner is hereby authorized to enforce this Code.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement /**  
**(c) General Provisions on Enforcement / (3) Content of Notices**  
***(3) Content of Notices***

**A. Citations**

All Warning Tickets, Citations, and Notices of Violation shall state:

1. the name and address of the violator
2. the address of the property exhibiting the violation
3. the name of the official issuing the notice and the date of issuance
4. the nature of the violation
5. a numerical citation of the specific provision violated
6. the amount of any fine or penalty
7. the time, date, and location of any appearance required of the violator and any permissible alternatives to such appearance, such as mail payment of a fine
8. the action the Building Commissioner orders the violator to take to correct the violation, the time periods within which such action must be taken, and the fine, penalty, and other legal consequences of failure to take the ordered action within the specified time period
9. procedures available to challenge or appeal the notice if the recipient believes an error has been made.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement /**  
**(c) General Provisions on Enforcement / (4) Delivery of Notices**  
***(4) Delivery of Notices***

**A. Notices of Violation**

All Notices of Violation shall be:

1. delivered by first class or certified mail, return receipt requested, to the owner, occupant, lessee, operator, or other party believed to be responsible for the violation, or his or her agent, at his or her current or last known business or residence address, or
2. left at such address in the presence of a responsible person of suitable age and discretion, who shall be informed of the general nature and contents thereof.

**B. Citations**

All Citations shall be delivered in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement / (c) General Provisions on Enforcement / (5) Time Period for Compliance**  
*(5) Time Period for Compliance*

The Building Commissioner shall determine the time period allowed for discontinuance of a violation for which a Notice of Violation has been issued based on the time, difficulty, and expense reasonably involved in removing it.

In no case shall the time period be less than 3 days except where the Commissioner determines an imminent threat to public health or safety to exist, and in no case shall it be more than 15 days. Except that the Commissioner may grant a single extension not to exceed an additional 15 days if he or she determines that a good faith effort has been made to eliminate the violation.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement / (c) General Provisions on Enforcement / (6) Actions of Violator**  
*(6) Actions of Violator*

A violator issued a Warning Ticket, Citation, or Notice of Violation may take any of the actions specified in this division to avoid further enforcement action.

**A. Discontinuation of the Violation**

He or she may discontinue the violation cited within the time period specified.

**B. Disproving of the Violation**

He or she may provide within the time period specified evidence satisfactory to the

Building Commissioner that the cited violation does not exist.

**C. Approval of Variance**

He or she may secure approval by the Board of Zoning and Building Appeals of a Variance to allow the violation, as provided in division 1310.03(a).

**D. Successful Appeal**

He or she may successfully appeal the issuance to the Board of Zoning and Building Appeals under division 1310.03(c).

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.03 Enforcement / (c) General Provisions on Enforcement / (7) Enforcement Actions**

*(7) Enforcement Actions*

In enforcing the provisions of this Code, the Building Commissioner may:

- A. issue a stop-work order for work in progress authorized by City permit
- B. seek an injunction or other order of restraint or abatement that requires removal of the violation
- C. impose penalties or seek court imposition of penalties for violations
- D. take such emergency actions as are authorized by law in case of a violation posing an immediate danger to the public health or safety.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies**

**1350.04 Review Bodies**

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (a) Review Bodies Established**

**(a) Review Bodies Established**

The following bodies shall serve as Review Bodies in the administration of this Code:

- (1) The City Planning Commission of the City of Barberton
- (2) The Board of Zoning and Building Appeals of the City of Barberton
- (3) The Design Review Board of the City of Barberton.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (b) General Authority**

**(b) General Authority**

In addition to any other functions granted in this or other codes, the Review Bodies designated in division (a) of this section shall have the power and responsibility to discharge the functions specified in this division.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (b) General Authority / (1) Meetings**

*(1) Meetings*

To conduct regular and special meetings that are in all cases publicly announced in advance with the agenda thereof disclosed and are open to the public.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (b) General Authority / (2) Public Hearings**

*(2) Public Hearings*

To conduct public hearings as provided in Table 1320A in Chapter 1320, Approval Procedures, at such dates and times as the Chair determines.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (b) General Authority / (3) Action on Approvals**

*(3) Action on Approvals*

To take Final Action or Advisory Action on approval, conditional approval, or disapproval of applications for Development Approvals as provided in Table 1320A.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (b) General Authority / (4) Ordinance Amendments**

***(4) Ordinance Amendments***

To recommend to the Planning Commission or City Council amendments to City regulations relating to procedures, standards, or Approval Criteria for applications it reviews and implement such amendments only after Council adoption thereof.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (b) General Authority / (5) Advise Other Bodies**

***(5) Advise Other Bodies***

To advise other boards, committees, or commissions involved in decisions on development applications of any land use, design, or other plans, policies, or standards that may relate to the responsibilities of such other bodies.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (b) General Authority / (6) By-Laws**

***(6) By-Laws***

To adopt by-laws or rules of procedure that are not inconsistent with this or other applicable City codes and that are available for public inspection in the office of its Administrative Officer.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (b) General Authority / (7) Professional Assistance**

***(7) Professional Assistance***

To recommend to the City Council the employment of such professional planning, legal, design, engineering, administrative, or related staff or consulting assistance as it deems necessary to fulfill its functions.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (b) General Authority / (8) Annual Report**

***(8) Annual Report***

To file an Annual Report with the Mayor and City Council setting forth its transactions and recommendations that is available for public inspection in the office of the applicable Administrative Officer.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review**

**Bodies / (b) General Authority / (9) Continuing Education**

**(9) *Continuing Education***

To provide for all its members an opportunity for continuing education in city planning, real estate development, land use control, historic preservation, negotiation and conflict resolution, and other subjects related to their responsibilities not less than once a year subject to budget made available therefor by City Council.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review**

**Bodies / (b) General Authority / (10) Other Functions**

**(10) *Other Functions***

To carry out any other function conferred upon it by the City Charter, any other City code, or the Ohio Revised Code or referred or assigned to it by the City Council.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review**

**Bodies / (c) Special Authority**

**(c) *Special Authority***

In addition to those granted in Table 1320A, the following Review Bodies shall have the following special powers and responsibilities:

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review**

**Bodies / (c) Special Authority / (1) Design Review Board**

**(1) *Design Review Board***

A. To conduct or assist in surveys of areas and properties of historical, architectural, archaeological, cultural, or aesthetic interest as it deems necessary and update them periodically

B. To initiate applications for classification of areas and properties in the PO Preservation Overlay District, for discontinuance of such classification, or for amendment of the boundaries of PO Districts

C. To maintain a current register of all areas and properties in Preservation Overlay Districts with descriptions and photographs thereof and summaries of the basis for designation

D. To develop and recommend for approval by City Council guideline for evaluating applications for Certificates of Appropriateness as provided in Section 1310.08

**Barberton Development Code**

- E. To hold public meetings no fewer than 4 times a year
- F. To recommend properties in Barberton for nomination to the National Register of Historic Places
- G. To review all National register nominations
- H. To recommend to the Planning Commission, City Council, and other bodies or departments of the City other plans, regulations, guidelines, or programs for the protection or enhancement of properties or areas of historic or architectural significance in the City
- I. To cooperate with county, regional, state, national, and private historic preservation organizations
- J. To promote the continuing education of City residents concerning Barberton's historic and architectural heritage.
- K. To recommend to the Mayor names of persons qualified to fill vacancies on the Board
- L. To fulfill all requirements of the Certified Local Government Program of the Ohio Historic Preservation Office unless in conflict with the provisions of City ordinances or unless directed otherwise by the City Council
- M. To recommend to City Council the designation or revocation of designation of Landmark Signs under division 1230.05(d)
- N. To assist property owners in PO Preservation Overlay Districts in finding creative solutions when conflicts arise between the City's need to grow and change and its desire to preserve the best of its heritage from the past.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (c) Special Authority / (2) City Planning Commission**  
**(2) City Planning Commission**

The City Planning Commission shall have the special powers and responsibilities specified in Section 6.01 of the Barberton City Charter.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (c) Special Authority / (3) Board of Zoning & Building Appeals**  
**(3) Board of Zoning & Building Appeals**

The Board of Zoning and Building Appeals shall have the special powers and responsibilities specified in Section 6.02 of the Barberton City Charter.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (d) Membership**

**(d) Membership**

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (d) Membership / (1) Membership and Officers**

**(1) *Membership and Officers***

The membership, appointment, and officers of every Review Body shall be established in Table 1350A.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (d) Membership / (2) Eligibility for Membership**

**(2) *Eligibility for Membership***

In addition to those otherwise established by law, restrictions on membership on Review Bodies are established as provided herein.

A. Design Review Board:

1. All members shall have demonstrated special interest in history, architecture, city planning, or other fields related to the preservation of historic properties.
2. No member may hold any other office in City government.
3. To the extent such people can be found in the City, at least two members shall be appointed from the professions of architecture, architectural history, history, archaeology, city planning, or related fields.
4. To the extent possible, no more than 3 members should reside outside the City.
5. To the extent possible, the Board should include as members an attorney, a building contractor, and an owner or manager of a business or an investment property located in a PO District.



**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (d) Membership / (3) Ex-Officio Members**

**(3) Ex-Officio Members**

A. Planning Commission

Non-voting ex-officio members of the Planning Commission shall be:

1. the Mayor
2. the Planning Director
3. a member of the City Council selected annually from its committee

having responsibility for planning and zoning.

B. Board of Zoning & Building Appeals

Non-voting ex-officio members of the Board of Zoning and Building Appeals shall be:

1. the Building Commissioner
2. the Planning Director
3. a member of the City Council selected annually from its committee

having responsibility for planning and zoning.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (d) Membership / (4) Alternate Members**

**(4) Alternate Members**

The appointing authority specified in Table 1350A may appoint to each Review Body for a term of up to one year no more than two alternate members in addition to the number of members specified therein.

An alternate member may serve in lieu of a member who is absent or who abstains from voting. All other regulations herein applicable to members shall apply to alternate members.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (d) Membership / (5) Compensation**

**(5) Compensation**

No regular or alternate member of any Review Body except the City Council shall receive compensation for his or her service thereupon.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (d) Membership / (6) Secretary**  
*(6) Secretary*

The Board of Zoning and Building Appeals shall appoint a secretary. The Planning Director or his or her designee shall serve as secretary to Design Review Board. The Vice Chair of the Planning Commission shall be Secretary thereof.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (d) Membership / (7) Removal**  
*(7) Removal*

The appointing authority specified in Table 1350A shall have the power to remove any member of any Review Body for cause. The City Council may by a two-thirds vote override a removal by the Mayor as provided in Section 6.06 of the City Charter.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (d) Membership / (8) Vacancies**  
*(8) Vacancies*

The appointing authority specified in Table 1350A shall fill membership positions that become vacant for the unexpired term.

The appointing authority shall consider vacant any position filled by a member who has failed to attend three consecutive meetings of the Review Body, or 30 percent or more of all regular meetings thereof held during any calendar year, except for absences excused by prior approval of the appointing authority. Vacancies shall be filled within 60 days except when special circumstances require a longer period.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review Bodies / (e) Other Regulations**

**(e) Other Regulations**

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review**

**Bodies / (e) Other Regulations / (1) Meetings**

**(1) Meetings**

All meetings shall be held at the call of the Chair and at such other times as the Review Body shall determine. All meetings shall be open to the public except when an executive session is authorized by law.

The Vice Chair shall serve as Acting Chair in the absence of the Chair.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review  
Bodies / (e) Other Regulations / (2) Quorum**

**(2) Quorum**

No meeting of any Review Body shall be held in the absence of a quorum, which shall be a majority of the full membership of the Body. No official action shall be taken by any Review Body except by affirmative vote of a majority of the full membership of the Body.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.04 Review  
Bodies / (e) Other Regulations / (3) Minutes**

**(3) Minutes**

The Secretary of the Review Body shall keep written minutes of the proceedings of every meeting that disclose all actions taken and the reasons for taking them. The minutes shall show the vote, or absence or abstention, of every member upon every official action. They shall be a public record on file in the office of the Secretary of the Review Body.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.05  
Administrative Officers**

**1350.05 Administrative Officers**

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.05  
Administrative Officers / (a) Building Commissioner**

**(a) Building Commissioner**

The Building Commissioner of the City of Barberton shall be charged with the enforcement of this

Code. In discharging this responsibility, he or she or his or her designee shall have the powers and responsibilities listed herein.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.05  
Administrative Officers / (a) Building Commissioner / (1) Permits**

***(1) Permits***

A. To issue Building Permits, Certificates of Occupancy, Sign Permits, and Temporary Use Permits

B. To maintain records of applications filed for such permits and certificates, permits and certificates issued and renewed, inspections made, reports rendered, and notices and orders issued

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.05  
Administrative Officers / (a) Building Commissioner / (2) Enforcement**

***(2) Enforcement***

A. To conduct inspections of properties to determine compliance with this Code

B. To notify in writing any party believed to be responsible for violating a provision of such Code and order action to correct the violation

C. To notify the Director of Law concerning legal actions needed to enforce this Code.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.05  
Administrative Officers / (a) Building Commissioner / (3) Development Approvals**

***(3) Development Approvals***

A. To receive and forward to each Review Body for which he or she is the Administrative Officer under Table 1320A all applications and notices reviewable by such body under Table 1320A

B. To maintain records of applications filed, meetings and public hearings held, and actions taken thereunder.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.05  
Administrative Officers / (a) Building Commissioner / (4) Other**

***(4) Other***

A. To request the assistance and cooperation of other City officials, departments,

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boards, or commissions, or other agencies as necessary in the discharge of his or her duties

B. To procure such engineering, planning, legal, or other assistance from technical experts outside the City government as may be necessary to discharge his or her duties and as is authorized by the City Council

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.05  
Administrative Officers / (b) Planning Director**

**(b) Planning Director**

In discharging his or her responsibility under this Code, the Planning Director or his or her designee shall have the powers and responsibilities listed herein.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.05  
Administrative Officers / (b) Planning Director / (1) Permits**

*(1) Permits*

A. To issue Certificates of Compliance, Conditional Use Permits, and Certificates of Appropriateness

B. To maintain records of applications filed for such permits and certificates and permits and certificates issued and renewed

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.05  
Administrative Officers / (b) Planning Director / (2) Development Approvals**

*(2) Development Approvals*

A. To receive and forward to each Review Body for which he or she is the Administrative Officer under Table 1320A all applications and notices reviewable by such body under Table 1320A

B. To maintain records of applications filed, meetings and public hearings held, and actions taken thereunder.

**Title 4 : Development Administration / Chapter 1350 Administration / 1350.05  
Administrative Officers / (b) Planning Director / (3) Other**

*(3) Other*

A. To prepare and cause to be published on or before December 31 of each year a

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Zoning District Map as amended through the preceding September 15

B. To request the assistance and cooperation of other City officials, departments, boards, or commissions, or other agencies as necessary in the discharge of his or her duties

C. To procure such planning, design, legal, or other assistance from experts outside the City government as may be necessary to discharge his or her duties and as is authorized by the City Council.

**Title 4 : Development Administration / Chapter 1350 Administration / Table 1350A: Membership and Officers of Review Bodies**

**Table 1350A: Membership and Officers of Review Bodies**

	Number of <u>Members</u>	Members Appointed by	Members' Term of	Officers Appointed <u>Office</u> by	Officers' Term of <u>Office</u>
BZBA	7 [d]	Mayor [b]	6	[c]	N/A
PC	5 [d]	Mayor [b]	4	Members [e]	1
DRB	7	Mayor [b]	3	Members	1
BZBA:	Board of Zoning and Building Appeals				
PC:	Planning Commission				
DRB:	Design Review Board				
Mayor:	Appointment by the Mayor				
Members:	Election by a majority of the membership of the body				

Terms of office are in years.

[a] Officers are the Chair and Vice Chair. Officers may be removed at the pleasure of the appointing authority.

[b] With the advice and consent of the City Council.

[c] Director of Public Service serves as Chair.

[d] Number of members excludes ex-officio members specified in 1350.04(d)(3).

[e] Except that the Vice Chair shall serve as Secretary.

**Title 4 : Development Administration / Chapter 1360 Definitions**

## **Chapter 1360 Definitions**

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**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.01 Applicability**

### **1360.01 Applicability**

Except as specifically provided otherwise, the rules and definitions of this chapter shall apply to all chapters of the Development Code.

Additional definitions the use of which is largely confined to the applicable chapter are found in the locations specified below.

<u>Location of Definitions</u>	<u>Chapter Definitions Apply Mainly to</u>
1230.08	Chapter 1230, Sign Regulations
1260.06	Chapter 1260, Flood Plains

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions**

### **1360.02 Rules and Definitions**

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and**

## Definitions / (a) Rules of Interpretation

### (a) Rules of Interpretation

The definitions in this chapter and all other provisions of this Code are subject to the rules of interpretation herein.

#### (1) Tense

The present tense includes the past and future tenses and the future tense the present.

#### (2) Singular and Plural

The singular number includes the plural and vice-versa.

#### (3) Mandatory and Permissive Language

The word "shall" is mandatory. The word "should" is advisory and not mandatory, and the word "may" is permissive.

#### (4) Gender

The masculine gender includes the feminine and neuter.

#### (5) "Person"

The term "person" shall refer to any person, firm, partnership, association, corporation, or organization of any kind.

#### (6) Average

The term "average," when the type of average is unspecified, shall signify the mean average.

#### (7) Inclusive or Exemplary Terms

The terms "including," "such as," and terms of equivalent meaning shall be interpreted as applying without limitation.

#### (8) Measured Quantities

All measured quantities shall be to the near-est integral unit of measure. If a fraction is one-half or higher, the next highest integral unit shall be used.

#### (9) Headings and Graphics

Section and division headings and graphic materials other than the Zoning District Map are for the convenience of the Code user only. They should not be interpreted as conveying the regulations of



this Code. The provisions of this Code are contained in the text and tables thereof.

**(10) Table Notations**

An "x" in a table signifies that the item applies in the specific case. A "--" in a table signifies that the item does not apply. A "0" in a table signifies a numerical value of zero.

**(11) Time Periods**

Time periods specified in days shall be construed as calendar days unless specifically indicated as business days.

**(12) References to Officials**

Any reference to a City administrative official shall be interpreted as referring to that official or his or her designee.

**(13) Responsibility for Compliance**

When a mandated action is specified herein without identification of the party responsible for undertaking such action and such identification cannot be reasonably inferred from the context, it shall be construed as being the responsibility of the applicant, property owner, or developer, as applicable.

**(14) Sources of Definitions**

Any term not defined in this chapter shall be as defined elsewhere in this Code.

Any term not defined in this Code shall be as defined elsewhere in the Codified Ordinances.

Any term not defined in the Codified Ordinances shall be as defined in Black's Law Dictionary.

Any term not defined in Black's Law Dictionary shall be as defined in Webster's New Collegiate Dictionary.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions**

**(b) Definitions**

Note: In order to group related definitions together for the convenience of the user, definitions of two-word terms, such as "building height" are sometimes listed under the second word.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (1) Adult Use:**

**(1) Adult Use:**

Any single commercial or recreational establishment from which minors are excluded from admittance at least 10 percent of the time such establishment is open by virtue of their age and of the presentation therein of entertainment, goods, services, or activities, any of which is obscene or harmful to juveniles as defined by divisions E and F of Section 2907.01 of the Ohio Revised Code.

Adult uses include book stores, video stores, motion picture theatres, mini-motion picture theatres or arcades, drive-in theatres, hotels or motels, massage parlors, modeling studios, and bathhouses that meet this definition as well as theatres or eating and drinking places with entertainment that meets this definition. Each such use named herein shall be considered a separate adult use even if located on the same premises and operated under the same management as another such use, except that a second such use shall be considered an Accessory Use to the first if it is established on no more than 20 percent of the total floor area devoted to both uses.

Uses such as massage parlors or bath houses that are operated by a licensed medical practitioner, physical therapist, psychiatrist, psychologist, or similar professional for the exclusive purpose of treatment or therapy are not considered adult uses.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (2) Agriculture:**

**(2) Agriculture:**

The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary Accessory Uses for packing, treating, and storing produce but not including the commercial feeding of garbage or offal to swine or other animals.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (3) Airport:**

**(3) Airport:**

Any public or private land or other facility designed for the landing and take-off of aircraft, including all taxiways, hangars, airport buildings, and other related structures and open spaces.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (4) Alley:**

**(4) Alley:**

A narrow public right-of-way not constituting a street used primarily for secondary motor

vehicle access to property abutting a street.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (5) Alteration:**

**(5) Alteration:**

Any construction, reconstruction, paving, repair, replacement, enlargement, destruction, demolition, or moving of permanent structures or other permanent improvements to real property, or major parts thereof, whether or not requiring a Building Permit, Demolition Permit, or other City permit or certificate.

Alterations include modifications to trees or landscaping; walls and fences; permanent signs; accessory structures; permanent fixtures of open parking, loading, driveway, service, sales, or storage areas; and buildings and significant architectural elements thereof such as doors, windows, light fixtures, moldings, railings, and similar appurtenances.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (6) Animal Hospital:**

**(6) Animal Hospital:**

A building or portion thereof designed or used for the care, observation, and medical treatment of domestic animals, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (7) Appeal:**

**(7) Appeal:**

A petition to the Board of Zoning and Building Appeals to reverse or modify an administrative action taken under this Code.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (8) Awning:**

**(8) Awning:**

A roof-like cover of any non-rigid material over a supporting frame, whether illuminated or not, projecting from the exterior wall of a building and/or from a free-standing support and that does not move or that moves only when retracted.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (9) Basement:**

**(9) Basement:**

That portion of a building located partially un-derground but having less than half its clear floor-to-ceiling height below the mean average grade of the adjoining ground.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (10) Bedroom:**

**(10) Bedroom:**

Any private room in a dwelling suitable for regular use for sleeping purposes. Bedrooms include rooms designated on floor plans as dens, studies, or libraries but exclude living rooms, family rooms, dining rooms, kitchens, bathrooms, laundry rooms, and mud rooms.

Any room designated as other than a bedroom but that in the judgment of the Building Com-missioner would normally be usable for sleeping purposes shall be considered a bedroom.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (11) Berm:**

**(11) Berm:**

A raised landscaped mound of earth used for screening, noise reduction, or beautification.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (12) Block:**

**(12) Block:**

A tract of dry land bounded by streets or by a combination of one or more streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways, or corporate boundary lines.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (13) Block Face:**

**(13) Block Face:**

The portion of a block that faces a single block boundary, normally a street. Block boundaries

are as established in the definition of "block."

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (14) Board of Zoning and Building Appeals:**  
**(14) Board of Zoning and Building Appeals:**

The Board of Zoning and Building Appeals of the City of Barberton, Ohio.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (15) Building:**  
**(15) Building:**

Any structure permanently affixed to the land and constructed or used for the occupancy, en-closure, or storage of persons, animals, or property.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (16) Building, Accessory:**  
**(16) Building, Accessory:**

A building that is or houses only an Accessory Use, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (17) Building, Completely Enclosed:**  
**(17) Building, Completely Enclosed:**

A building separated on all sides from the adjacent open space or from other buildings or structures by a permanent roof and either by exterior walls or party walls having as openings only windows and normal entrance or exit doors.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (18) Building, Detached:**  
**(18) Building, Detached:**

A building surrounded by open space.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (19) Building Line:**

**(19) Building Line:**

The straight line that separates all parts of a building from the open spaces between the building and a lot line, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (20) Building, Principal:**

**(20) Building, Principal:**

A building in which is conducted the Principal Use, as defined herein, of the lot on which the building is located.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (21) Building Site:**

**(21) Building Site:**

An area of land in a site condominium or site cooperative consisting of:

1. the land occupied either by a single condominium unit or by the building or unit that an individual coop shareholder has the exclusive right to use and

2. the land area contiguous thereto that the condo owner or coop shareholder also has the exclusive right to use.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (22) Building, Temporary:**

**(22) Building, Temporary:**

A building that is a Temporary Use, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (23) Canopy:**

**(23) Canopy:**

A rigid roof-like structure that projects permanently and continuously from the exterior wall of a building and/or from a free-standing support.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (24) Car Wash:**

**(24) Car Wash:**

A permanent facility devoted to the exterior washing of motor vehicles by machine, by personnel of the facility, by the customer, or by any combination thereof.

Car washes do not include hand washing of vehicles on residential premises by residents thereof nor temporary car washes organized for charitable fund-raising or similar purposes. A car wash may include facilities for waxing and drying of motor vehicles, for vacuuming of vehicle interiors, and for sale of merchandise related to motor vehicle cleaning or care.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (25) Cellar:**

**(25) Cellar:**

That portion of a building located partially or wholly underground and having half or more of its clear floor-to-ceiling height below the mean average grade of the adjoining ground.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (26) Certificate of Appropriateness:**

**(26) Certificate of Appropriateness:**

A certification by the City of design review approval required before certain alterations can be made to properties located in the PRO Preservation Overlay District.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (27) Certificate of Compliance:**

**(27) Certificate of Compliance:**

A certification by the Building Commissioner of conformity with all applicable regulations of the Development Code.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (28) Certificate of Occupancy:**

**(28) Certificate of Occupancy:**

A City certificate required under this and other codes prior to the occupancy and use of a premises.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (29) City Council:**

**(29) City Council:**

The City Council of the City of Barberton, Ohio.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (30) City Planning Commission:**

**(30) City Planning Commission:**

The City Planning Commission of the City of Barberton, Ohio.

**Please Note: To view the Certificate of Compliance Graphic, see page 1360-4 of the printed version of the Barberton Development Code**

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (31) Clearance:**

**(31) Clearance:**

The vertical distance to grade from the lowest edge of an object excluding any pole, tree trunk, or other support structure attached to the ground.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (32) Clinic:**

**(32) Clinic:**

A place where 2 or more physicians, dentists, or similar professionals provide care, diagnosis, and treatment on an out-patient basis only of persons needing medical, dental, or surgical attention.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (33) Club or Lodge, Private:**

**(33) Club or Lodge, Private:**

The premises of a non-profit association of persons who are bonafide members paying dues,



the use of which is restricted to members and their guests.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (34) Commencement of Construction:**

**(34) Commencement of Construction:**

The placement of construction materials in per-manent position and fastened in a permanent manner or the commencement of removal of structures prior thereto.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (35) Comprehensive Plan:**

**(35) Comprehensive Plan:**

The current Comprehensive Plan for the physical development of the City of Barberton adopted by the City Council.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (36) Condominium:**

**(36) Condominium:**

Real property portions of which are or are to be in separate ownership and the remainder of which is or is to be in the common ownership solely of the owners of those portions.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (37) Cooperative:**

**(37) Cooperative:**

A corporation or trust holding title to real property, each shareholder of which has the exclusive right to occupy a portion of such property under a proprietary lease.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (38) County:**

**(38) County:**

The County of Summit or Wayne, Ohio, as applicable.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and**

**Definitions / (b) Definitions / (39) Culvert:**

**(39) Culvert:**

A transverse drain that channels under a bridge, street, or driveway.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (40) Curb Level:**

**(40) Curb Level:**

The height of the established street curb abutting a street line measured at the midpoint of such line. Where no curb has been established, the curb level shall be considered to be the established level of the surface of the center line of the street opposite the midpoint of the street line. On lots abutting more than one street line, the mean average of the measurements at the midpoints of all street lines shall determine the curb level.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (41) Current Replacement Value:**

**(41) Current Replacement Value:**

The cost of constructing real estate improvements that have the same utility but are not necessarily exact duplicates of the improvements they replace. Such cost shall be based on current construction materials and techniques, shall exclude the value of land and building foundations, shall be as of the date of commencement of construction, as defined herein, and shall be based on figures approved by the Building Commissioner.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (42) Day Care Center, Adult:**

**(42) Day Care Center, Adult:**

A facility that receives senior citizens during the day for supervised social or recreational activities.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (43) Day Care Center, Child:**

**(43) Day Care Center, Child:**

A facility that receives 7 or more children at any one time for daytime care and that provides personal care, protection, supervision, training, and other programs. Child day care centers exclude:

A. "Type B" day care homes, as defined by division 5104.01(e) of the Ohio Revised Code

B. Day care conducted as a home occupation in conformance with the restrictions on home occupations herein

C. Day care conducted as an Accessory Use in an office building, industrial plant, or other employment center for the convenience of its employees or in a shopping center for the convenience of its patrons

D. Day care conducted as a Temporary Use in conformance with provisions on Temporary Uses herein

E. Kindergartens and other programs run by schools or churches

F. Day care for children under 2 1/2 years of age.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (44) Develop:**

**(44) Develop:**

To engage in development, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (45) Developer:**

**(45) Developer:**

Any person that develops.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (46) Development:**

**(46) Development:**

Any man-made change to improved or unimproved real estate, including construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (47) Development Approval:**

**(47) Development Approval:**

Any action, such as a Variance or Conditional Use, requiring special review and discretionary

approval under Chapter 1310.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (48) District, Less Restrictive:**

**(48) District, Less Restrictive:**

A district that allows as Permitted and Conditional Uses, respectively, all the same Use Groups as the subject district plus one or more additional Use Groups.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (49) District, More Restrictive:**

**(49) District, More Restrictive:**

A district that the subject district is a less restrictive district, as defined herein, than.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (50) Districts, Business:**

**(50) Districts, Business:**

All C Commercial, O Office, and I Industrial Districts.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (51) Districts, Commercial:**

**(51) Districts, Commercial:**

All C Commercial Districts.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (52) Districts, Industrial:**

**(52) Districts, Industrial:**

All I Industrial Districts.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (53) Districts, Non-Residential:**

**(53) Districts, Non-Residential:**

All districts that are not Residential Districts, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (54) Districts, Office:**

**(54) Districts, Office:**

All O Office Districts.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (55) Districts, Residential:**

**(55) Districts, Residential:**

All RS, RT, RA, and RM Districts.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (56) Districts, Single-Family Residential:**

**(56) Districts, Single-Family Residential:**

All RS and RA Districts.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (57) Dog Run:**

**(57) Dog Run:**

An outdoor area enclosed on all sides by a fence for the exclusive purpose of continuous or occasional confinement of one or more domestic animals, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (58) Domestic Animal:**

**(58) Domestic Animal:**

A cat, dog, or other small animal of the types commonly maintained as household pets.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (59) Drip Line:**

**(59) Drip Line:**

The perimeter formed by the points furthest away from the trunk of a tree where precipitation

falling from the branches of that tree lands on the ground.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (60) Drive-Through Establishment:**

**(60) Drive-Through Establishment:**

An establishment other than a public use or public utility at which patrons may be served in the open without leaving their motor vehicle and without shutting off the engine thereof while being served, except establishments specifically exempted herein.

Any restaurant, bank, savings institution, dry cleaner, car wash, film developing service, or other non-utility business establishment having drive-up or drive-through facilities shall be considered a drive-through establishment.

Drive-through establishments do not include drive-up public telephones or mail deposit boxes, filling or service stations, drive-in theatres, or facilities that qualify as Temporary Uses.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (61) Drive-Through Facilities:**

**(61) Drive-Through Facilities:**

The open portion of a drive-through establishment that accommodates drive-through service. Drive-through facilities include drive-through lanes, curb cuts and driveways thereto, off-street stacking spaces, menu boards, and drive-through stations. They do not include bypass lanes or off-street parking areas or aisles related thereto.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (62) Drive-Through Station:**

**(62) Drive-Through Station:**

A facility at a drive-through establishment designed for order-taking, cash transactions, delivery of merchandise or services, or any other interchange or communication between customers in motor vehicles and personnel or machines of the establishment. Drive-through stations include menu boards with speakers, other ordering or communications devices, payment windows, service or pick-up windows, and drive-up automated teller machines.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (63) Driveway:**

**(63) Driveway:**

A roadway located on a lot or parcel that provides motor vehicle access from a public street, alley, or other driveway to a use, structure, or off-street parking or loading area normally located on the same lot.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (64) Dwelling:**

**(64) Dwelling:**

A building or portion thereof used as a residence, including model homes but excluding boarding or lodging houses, nursing homes, hotels and motels, tourist homes, lofts, tents, and recreational vehicles.

**Please Note: To view the Dwelling Types Graphic, see page 1360-6 of the printed version of the Barberton Development Code**

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (65) Dwelling, Multi-Family:**

**(65) Dwelling, Multi-Family:**

A building containing one or more dwelling units that is not a single-family detached, single-family attached, two-family, or townhouse dwelling. Upper-story apartments in buildings also housing ground-floor non-residential uses shall be considered multi-family dwellings.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (66) Dwelling, Single-Family:**

**(66) Dwelling, Single-Family:**

A single-family detached or single-family detached dwelling.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (67) Dwelling, Single-Family Attached:**

**(67) Dwelling, Single-Family Attached:**

A dwelling unit that is attached by one or more party walls to one or more other dwelling units

each of which is located on a separate subdivided lot or, in a site condominium or site cooperative, a separate building site.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (68) Dwelling, Single-Family Detached:**  
**(68) Dwelling, Single-Family Detached:**

A building or manufactured home housing only a single dwelling unit that is separated from other buildings by open space.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (69) Dwelling, Townhouse:**  
**(69) Dwelling, Townhouse:**

A dwelling unit that is attached by one or more party walls to one or more other dwelling units on the same lot, that has an individual private ground-level entrance to the outside, and no portion of which is located above any other dwelling unit or any other premises or portion thereof.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (70) Dwelling, Two-Family:**  
**(70) Dwelling, Two-Family:**

A single building or manufactured home consisting of only two dwelling units and Accessory Uses thereto that is separated from other buildings by open space.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (71) Dwelling Unit:**  
**(71) Dwelling Unit:**

Space within a building designed or used exclusively as regular living quarters and Accessory Uses thereto for one family, not more than 2 household employees, and not more than 2 boarders or roomers or permanent paying or non-paying guests, and that includes cooking, bathing, and toilet facilities.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (72) Dwelling Unit, Senior Citizen:**  
**(72) Dwelling Unit, Senior Citizen:**



A dwelling unit regularly occupied by at least one person 62 years of age or older.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (73) Easement:**

**(73) Easement:**

1. A grant of a property right to another party for a specific limited purpose.
2. The land area on which the easement was granted.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (74) Efficiency Unit:**

**(74) Efficiency Unit:**

A dwelling unit consisting of just one principal room together with bathroom, kitchen, hallways, closets, and/or dining alcove, and which does not include a bedroom, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (75) Employee:**

**(75) Employee:**

Any person regularly working for a use full or part-time on the premises of that use, whether on the payroll or by contract, including owners and managers working on the premises.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (76) Erect:**

**(76) Erect:**

To build, construct, locate, hang, attach, manually place, suspend, or affix.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (77) Facade:**

**(77) Facade:**

The outside face of a building wall, including windows, doors, and parapets.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (78) Family:**

**(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.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (79) Far Side:**

**(79) Far Side:**

The side of an intersection of a street with another street or an alley or driveway that motor traffic on the same side of the street leaves the intersection from.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (80) Fence:**

**(80) Fence:**

An artificially established barrier of any material(s) intended to enclose, screen, separate, or decorate areas of land. Fences include any walls extending above ground level other than building walls; hedges or other densely growing shrubbery; and earth berms that meet this definition. Gates, doors, and other openings are considered part of the fence.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (81) Fence, Open:**

**(81) Fence, Open:**

A fence the surface area of every segment of which contains at least 75 percent open spaces and no more than 25 percent solid materials.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (82) Fence, Ornamental:**

**(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.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (83) Fence, Recreation:**

**(83) Fence, Recreation:**

An open fence, as defined herein, erected to enclose a playground, playfield, swimming pool, tennis court, golf course, or the like located within school grounds or public or private park or recreation areas.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (84) Fence, Solid:**

**(84) Fence, Solid:**

Any fence that is not an open fence, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (85) Filling Station:**

**(85) Filling Station:**

A business devoted primarily to the retail dispensing of vehicular fuel into motor vehicles and/or boats that may or may not provide incidental servicing, as defined herein, to such vehicles but does not perform minor repairs or major repairs, as also defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (86) Financial Institution:**

**(86) Financial Institution:**

A bank, savings and loan association, savings bank, credit union, or commercial loan office.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (87) Findings of Fact:**

**(87) Findings of Fact:**

Citations of specific facts about an application that the Approval Body finds to be true and which led to its conclusion that the application conforms or fails to conform to one or more applicable Approval Criteria.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (88) Floor Area, Gross:**

**(88) Floor Area, Gross:**

A measure of floor area used to calculate Floor Area Ratio.

Gross floor area is the sum of the gross horizontal area of space contained on all floors measured in square feet from the exterior faces of the exterior walls of each building on a lot, or from the center lines of party walls separating two buildings.

It includes floor area in cellars, basements, attics, and accessory buildings but excludes:

A. areas devoted to off-street parking or offstreet loading, including aisles, ramps, and maneuvering space

B. attic or half-story space having headroom of 7.5 feet or less

C. exterior balconies

D. space on the roof used for mechanical equipment

E. space occupied by atriums except where there is floor space beneath or projecting into the atrium.

**Please Note: To view the Floor Area Ratio Graphic, see page  
1360-8 of the printed version of the Barberton Development  
Code**

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (89) Floor Area, Net:**

**(89) Floor Area, Net:**

A measure of floor area used for purposes of calculating off-street parking and off-street loading requirements.

Net floor area is the sum of the gross horizontal area of space contained on all floors measured in square feet from the exterior faces of the exterior walls of each building on a lot, or from the center line of party walls separating two buildings.

It includes floor area in cellars, basements, attics, and accessory buildings but excludes:

1. areas devoted to off-street parking or off-street loading, including aisles, ramps, and maneuvering space

2. areas devoted primarily to storage and not located within selling or working spaces, except for facilities such as warehouses where the principal use is storage

3. basement or cellar areas not devoted to retailing activities, offices, or production or processing of goods

4. elevator shafts, stairs, and stairwells

5. maintenance shafts and rooms

6. washrooms

7. display windows

8. fitting rooms

9. indoor atriums, pedestrian malls, or other open space areas.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (90) Floor Area Ratio:**

**(90) Floor Area Ratio:**

The gross floor area, as defined herein, in square feet of all buildings on a lot divided by the area of the lot in square feet.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (91) Frontage:**

**(91) Frontage:**

The length of any street line. Also called street frontage or lot frontage.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (92) Frontage, Building:**

**(92) Frontage, Building:**

The linear length of:

1. the wall of a building that contains the principal entrance to the building, excluding canopies and roof overhang and non-bearing decorative walls, or
2. an individual unit of a multi-unit building such as a shopping center measured between the party wall center lines.

If the principal building entrance is at a building corner, the length of the longer adjacent wall shall be considered the building frontage.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (93) Game Room:**

**(93) Game Room:**

Any premises where there are available to the public more than 4 coin-operated amusement devices, excluding musical devices and vending machines that do not incorporate gaming or amusement features.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (94) Grade:**

**(94) Grade:**

The mean average level of the finished surface of the ground adjacent to the exterior wall of the building on a lot that is closest to the front lot line, where such wall is more than 5 feet from such lot line. For buildings closer than 5 feet to a front lot line, the grade is the sidewalk elevation at the center of the front lot line. In the latter case, where there is no sidewalk, or in the case of a through lot, the grade shall be established by the Building Commissioner.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (95) Group Home:**

**(95) Group Home:**

Any premises in which there is provided to residents exclusively:

- A. nontransient room and board, and
- B. habilitative or rehabilitative care, and

C. 7-day-per-week supervision by staff during all hours, day or night, that residents are on the premises in a setting in which residents function as a single household, by an operator that is not related, as defined herein, to or part of the same family as the residents and holds a license for a group home or is under contract to an organization that does.

Group homes include facilities such as those serving the medically-dependent elderly; mentally ill; developmentally disabled; physically handicapped; abused, neglected, homeless, or abandoned spouses or children; adult or juvenile offenders; and rehabilitated former substance abusers.

Group homes exclude families, as defined herein; families with foster children; nursing homes, as defined herein; day care facilities; independent living apartments with no supervisory staff; prisons; hospitals; convents; student residences; and facilities that regularly provide services to non-residents.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (96) Guarantee:**

**(96) Guarantee:**

To assure the future provision or installation of by means of a financial surety in compliance with this Code.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (97) Half Street:**

**(97) Half Street:**

A street in which only part of the ultimate right-of-way has been dedicated.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (98) Health Club:**

**(98) Health Club:**

Any establishment providing physical culture or similar health services, including gymnasiums, fitness centers, racquetball or tennis clubs, reducing salons, tanning salons, or massage salons.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and**

**Definitions / (b) Definitions / (99) Hedge:**

**(99) Hedge:**

Vegetation--including trees, shrubs, or other natural vegetation--that is planted in close proximity or clustered together and that has a surface area that obstructs the view.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (100) Height, Building:**

**(100) Height, Building:**

The vertical distance measured from the mean average elevation of the finished grade within 20 feet of the front building line of a principal or accessory building to:

- A. the highest point of the roof of a flat roof, or
- B. the deck line of a mansard roof, or
- C. a height level halfway between those of the eaves and of the ridge of a gable, hip, or gambrel roof, or
- D. a specified height on the building, as in "a building height level of 35 feet."

Chimneys, spires, towers, elevator penthouses, tanks, and similar projections shall not be included in calculating building height.

**Please Note: To view the Building Height Graphic, see page 1360-10 of the printed version of the Barberton Development Code**

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (101) Height, Fence:**

**(101) Height, Fence:**

The height of a fence, antenna, screening, or other applicable object measured vertically when positioned for normal use between:

- 1. the lowest grade level on the same lot (or lowest roof level for roof-mounted objects or lowest portion of the support structure for objects mounted as building projections) within 3 feet of any



side of the object or its support structure and

2. the highest point of the fence or object or part thereof excluding fence posts, gates, and incidental decorative embellishments, which may extend not more than 6 inches above allowable fence height.

**Please Note: To view the Fence Height Graphic, see page  
1360-10 of the printed version of the Barberton Development  
Code**

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (102) Home Center:**

**(102) Home Center:**

A premises selling hardware and a full line of building materials retail.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (103) Home Occupation:**

**(103) Home Occupation:**

A gainful pursuit conducted by one or more residents of a dwelling unit as an Accessory Use to such dwelling on the premises thereof.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (104) Hospital:**

**(104) Hospital:**

An establishment that provides accommodations, facilities, and services over a continuous period of 24 hours or more for observation, diagnosis, and care, of 2 or more individuals not related to or part of the same family as the operator, who are suffering from illness, injury, deformity, or abnormality or from any condition requiring obstetrical, medical, or surgical services.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (105) Hotel or Motel:**

**(105) Hotel or Motel:**

A building containing lodging rooms or suites, each of which has an individual adjoining

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bathroom, where more than 50 percent of the rooms are for rent to transient guests for a continuous period of less than 30 days.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (106) Hotel, Apartment:**

**(106) Hotel, Apartment:**

An establishment having the character of a hotel or motel but in which at least 50 percent of the accommodations are for occupancy by guests staying 30 consecutive days or more.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (107) HUD Code:**

**(107) HUD Code:**

The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401-26), as amended.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (108) Incidental Servicing:**

**(108) Incidental Servicing:**

Servicing, repair, or addition or replacement of parts on motor vehicles, trailers, and boats that can normally be done without major machinery, without leaving the vehicle on the premises for extended periods, and without significant disassembling of the vehicle or parts thereof.

Incidental servicing includes inflation of tires; cleaning of windows; checking of the level of and additions to oil, antifreeze, water, and power steering, brake, automatic transmission, and similar fluids; replacement of readily accessible items such as wipers, fuses, fan belts, batteries, light bulbs, spark plugs, ignition points, and fuel, oil, and air filters; removal of a tire or wheel without power or pneumatic tools; hand washing, waxing, and polishing of no more than one vehicle at a time with no separate structure therefor; and similar services for such vehicles.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (109) Institution, Educational:**

**(109) Institution, Educational:**

A public or private school, college, university, seminary, museum, library, or similar establishment devoted to educational or cultural purposes.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (110) Institution, Philanthropic:**

**(110) Institution, Philanthropic:**

An office or meeting hall used exclusively by a non-profit public service organization.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (111) Institution, Recreational:**

**(111) Institution, Recreational:**

A public or private non-profit facility for group recreation or social activity, including private clubs or lodges, recreation buildings, and community centers.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (112) Institution, Religious:**

**(112) Institution, Religious:**

A church, synagogue, temple, mosque, convent, monastery, or other premises devoted to religious activities and customary accessory uses.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (113) Junk Yard:**

**(113) Junk Yard:**

An open area other than a recycling center, recycling collection point, flea market, yard sale, street vending area, or lawful Accessory Use to a dwelling where quantities of waste or used or salvage materials are bought, sold, exchanged, baled, packaged, disassembled, or handled, or stored for over 30 consecutive days, including scrap iron and other metals, building materials, bottles, paper, rags, and rubber tires. Uses carried on entirely within completely enclosed buildings are not considered junk yards.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (114) Kennel:**

**(114) Kennel:**

Any lot or premises on which 4 or more domestic animals, as defined herein, are bred, groomed, boarded, sheltered, trained, offered for adoption, or sold for commercial or humane

purposes, including animal shelters.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (115) Land Lease Development:**

**(115) Land Lease Development:**

A development in which the property on which a Principal Use structure is sited is not owned by the owner of the structure but are leased from the owner of the land.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (116) Loading Space, Off-Street:**

**(116) Loading Space, Off-Street:**

An off-street space or berth for the loading or unloading of motor vehicle freight carriers.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (117) Lodging Room:**

**(117) Lodging Room:**

A room or suite other than a dwelling unit rented for use by a single individual, family, or group as sleeping or living quarters.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (118) Loft:**

**(118) Loft:**

A building or portion thereof serving both as:

A. a place of residence for a single family, as defined herein, and

B. a premises for the gainful pursuit, other than as a home occupation, of an art, craft, profession, or other occupation or business by one or more members of that family.

Lofts may be permitted hereunder where dwellings are not permitted and are not granted the protection from the effects of non-residential activities afforded under this Code to dwellings. Lofts are not considered to be "dwellings" for purposes of this Code.

**Please Note: To view the Lot Graphic, see page 1360-11 of the**

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (119) Lot:****(119) Lot:**

A division of land under the same ownership or control (whether or not subdivided as one or more contiguous parcels or parts of parcels) located within a single block, normally occupied or suitable for occupancy by one principal building, and fronting on an existing or dedicated street.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (120) Lot Area:****(120) Lot Area:**

The area within the lot lines of a lot.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (121) Lot, Corner:****(121) Lot, Corner:**

A lot located at the intersection of two or more streets, or a lot located at the point where the alignment of a single street curves or changes; provided that an interior angle of not more than 135 degrees is created by the right-of-way lines of the abutting street or streets or, in the case of a curving right-of-way, by straight lines projected tangent to the curve from the points of intersection between the curve and the lot lines.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (122) Lot Coverage:****(122) Lot Coverage:**

The percentage of a lot covered by principal and accessory structures, either at ground level or at higher levels. Where a particular height level is specified, coverage standards shall apply only at that height level. Where a height level is not specified, lot coverage standards shall be deemed to apply at all height levels.

**Please Note: To view the Types of Lots Graphic, see page**

1360-12 of the printed version of the Barberton Development  
Code

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (123) Lot Depth:**

**(123) Lot Depth:**

The mean average of the lengths of the side lot lines of a lot.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (124) Lot, Double-Frontage:**

**(124) Lot, Double-Frontage:**

A through lot fronting on only two streets.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (125) Lot, Flag:**

**(125) Lot, Flag:**

A lot located largely behind a lot with street frontage that has access to the street only by a narrow access corridor.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (126) Lot Frontage:**

**(126) Lot Frontage:**

The length of any street line abutting a lot.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (127) Lot, Interior:**

**(127) Lot, Interior:**

A lot that is not a corner lot.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (128) Lot Line:**

**(128) Lot Line:**

The boundary defining a lot, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (129) Lot Line, Corner Side:**

**(129) Lot Line, Corner Side:**

Any street line that is not a front lot line.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (130) Lot Line, Front:**

**(130) Lot Line, Front:**

- A. The only street line bordering a lot, or
- B. if the lot is a through lot, the street line determined under division 1140.02(c), or
- C. if the lot is a corner lot:
  - 1. the shortest street line, or
  - 2. if more than one street line is the shortest:
    - a. the lot line designated as the front lot line on a plat of dedication or subdivision, or
    - b. otherwise, the lot line designated as the front lot line by the Building Commissioner, or
- D. if the lot is fully or partially land-locked, such as a flag lot, the lot line that faces the street from which there is access to the lot.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (131) Lot Line, Interior Side:**

**(131) Lot Line, Interior Side:**

A side lot line that is not a corner side lot line.

**Please Note: To view the Rear Lot Line Graphic, see page 1360-12 of the printed version of the Barberton Development**

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (132) Lot Line, Rear:**

**(132) Lot Line, Rear:**

That line which is most distant from and is parallel to the front lot line or a line tangent to a curving front lot line at its midpoint. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from such front lot line or line tangent thereto.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (133) Lot Line, Side:**

**(133) Lot Line, Side:**

Any lot line that is not a front or rear lot line.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (134) Lot of Record:**

**(134) Lot of Record:**

A lot that is part of a subdivision plat recorded with the Wayne or Summit County Recorder, or a parcel of land the deed to which was so recorded, prior to the effective date of the applicable City regulation or amendment.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (135) Lot of Record, Nonconforming:**

**(135) Lot of Record, Nonconforming:**

A lot of record that has a Nonconformity and that would not create a conforming lot if taken together with all other lots in the same ownership having continuous frontage. Non-conforming lots shall not include any lot that has a Nonconformity that results from, or has been increased by, the subdivision into separate lots of--or conveyance or lease of a portion of--a conforming lot that occurred after the effective date of the applicable City regulation or any applicable amendment thereto.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (136) Lot, Reversed Corner:**

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**(136) Lot, Reversed Corner:**

A corner lot that is a reversed frontage lot.

**Please Note: To view the Lot Width Graphic, see page 1360-13 of the printed version of the Barberton Development Code**

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (137) Lot, Reversed Frontage:**

**(137) Lot, Reversed Frontage:**

A lot with a front lot line at right angles or approximately right angles to the general pattern of front lot lines in the block.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (138) Lot, Through:**

**(138) Lot, Through:**

An interior lot fronting on more than one street.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (139) Lot Width:**

**(139) Lot Width:**

The horizontal distance between side lot lines measured at the applicable required front yard line.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (140) Major Repair:**

**(140) Major Repair:**

Repair of motor vehicles, trailers, and boats that normally takes considerable time, necessitates leaving the vehicle overnight, requires major equipment, or generates significant noise or other adverse environmental effects.

Major repair includes replacement or repair of fenders or other body parts, upholstery, convertible tops, window glass, differentials, axles, and springs; auto spray painting; undercoating or

rustproofing; frame and chassis repair or straightening; rebuilding of clutches and transmissions; rebuilding or replacement of engines; recapping or regrooving of tires; radiator repairs requiring removal thereof; engine repair requiring removal of the cylinder head or crankcase pan; van conversion or camper installation; any minor repair, as defined herein, on a vehicle exceeding 8,000 pounds curb weight; and similar services.

A premises for vehicle dismantling, wrecking, or parting out is considered a wrecking yard.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (141) Manufactured Home:**

**(141) Manufactured Home:**

A factory-produced dwelling, sometimes called a "mobile" or "sectional" home, designed and used exclusively for long-term residential occupancy that is built on a permanent chassis, is transportable in one or more sections, and is ready for occupancy at the building site except for minor and incidental unpacking, assembly, and connection operations.

This term shall not include units using prefabricated subelements requiring major on-site combination or installation that do not otherwise meet the requirements of this definition, such as "modular," "component," "panelized," or "prefabricated" dwellings.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (142) Manufactured Home, HUD Code:**

**(142) Manufactured Home, HUD Code:**

A manufactured home fabricated after June 14, 1976, and certified by the U.S. Department of Housing and Urban Development as conforming to the HUD Code, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (143) Manufactured Home Park:**

**(143) Manufactured Home Park:**

Any lot or tract of land other than a subdivision, site condominium, site cooperative, or manufactured home sales or storage lot upon which 3 or more manufactured homes are located.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (144) Mayor:**

**(144) Mayor:**

The Mayor of the City of Barberton, Ohio.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (145) Mental Health Center:**

**(145) Mental Health Center:**

Any institution providing inpatient or outpatient care or therapy for the mentally ill, developmentally disabled, alcoholics, abusers of controlled substances, or others needing psychological therapy but which does not serve as a residence for such individuals.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (146) Mental Health Center, Community:**

**(146) Mental Health Center, Community:**

A mental health center providing outpatient services only.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (147) Minor Repair:**

**(147) Minor Repair:**

Any repair, servicing, or addition, replacement, or modification of parts on motor vehicles, trailers, and boats that is not either incidental servicing, as defined herein, or major repair, as also defined herein.

Minor repair includes oil changes; lubrication; engine tune-ups; battery charging; radiator flushing or draining; wheel alignment; fuel and oil pump and line repairs; exhaust system repair and replacement; shock absorber and strut repair and replacement; brake work; minor repair of fuel injectors and carburetors; vehicle washing, waxing, and polishing not considered as incidental servicing; any service involving tire or wheel mounting or removal except spare tires and services considered as incidental servicing; and similar services.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (148) Monument:**

**(148) Monument:**

A permanent iron, stone, or concrete marker used to establish for reference in land survey all lines of the plat of a subdivision, including boundary lines, corners of property, and points of change in street alignment.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (149) Mortuary:**

**(149) Mortuary:**

An undertaking establishment or funeral parlor which may include a single residence as an Accessory Use.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (150) Motor Freight Terminal:**

**(150) Motor Freight Terminal:**

A building or premises the principal use of which is the receipt and/or dispatching of freight for forwarding or trans-shipment by motor vehicle.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (151) Motor Vehicle:**

**(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, selfpropelled recreational vehicles, self-propelled farm and construction implements, and both the tractor and trailer portions of tractortrailers. Motor vehicles exclude trains and train cars, aircraft, boats, trailers, go-kart vehicles, motorized golf carts, motorized lawn mowers, commercial trailers, and manufactured homes.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (152) Motor Vehicle Body Shop:**

**(152) Motor Vehicle Body Shop:**

A business establishment where there is conducted wholly within a fully enclosed building collision service such as body, frame, or fender straightening or repair; painting of more than 10 percent of the surface of a motor vehicle; or upholstery.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (153) Motor Vehicle Repair Shop:**

**(153) Motor Vehicle Repair Shop:**

Any business that engages in major repair, as defined herein, of motor vehicles, whether or not it

also dispenses fuel.

A premises for the repair of motor-propelled vehicles not considered as motor vehicles hereunder--such as boats, lawn mowers, or golf carts--shall be considered as a repair facility.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (154) Motor Vehicle Sales Use:**

**(154) Motor Vehicle Sales Use:**

A premises used for the display and sale or lease of new or used motor vehicles or recreational vehicles.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (155) Motor Vehicle Servicing Shop:**

**(155) Motor Vehicle Servicing Shop:**

A business that engages in incidental servicing, as defined herein, and/or minor repair, as also defined herein, of motor vehicles but does not dispense fuel or engage in major repair, as defined herein.

Motor vehicle servicing shops include quick-lube shops, oil change establishments, tune-up centers, and stores that install or provide facilities for the installation of tires, mufflers, brakes, struts, or shock absorbers. Auto parts stores are considered motor vehicle servicing shops if they either install or provide space for customers to install such parts. Tire stores, tune-up centers, and the like that also engage in major repair are considered motor vehicle repair shops.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (156) Near Side:**

**(156) Near Side:**

The side(s) of an intersection of a street with another street, alley, or driveway that motor traffic on the same side of the street approaches the intersection from.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (157) Night Club:**

**(157) Night Club:**

Any tavern or restaurant offering live entertainment or dancing.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (158) Nonconformity:**

**(158) Nonconformity:**

Any characteristic of a use, building, structure, sign, or lot that was lawful under regulations in effect immediately prior to the effective date of the applicable current City regulation or of any applicable amendment thereto but that does not conform to all requirements of such current regulation or amendment. A Nonconformity is considered lawful and not a violation, subject to the provisions of Chapter 1340.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (159) Nonconformity, Standards:**

**(159) Nonconformity, Standards:**

Any Nonconformity other than a Use Nonconformity. Standards Nonconformities typically involve failure to conform to quantitative development standards such as for lot dimensions, sign height, off-street parking, Floor Area Ratio, or landscaping.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (160) Nonconformity, Use:**

**(160) Nonconformity, Use:**

A Nonconformity consisting of an activity or function carried on at a premises that is not allowed by the Permitted, Conditional, or Accessory Uses applicable to the current zoning district classification of the premises. Temporary Uses in conformance with regulations applicable thereto shall not be considered Use Nonconformities.

**Please Note: To view the Near Side Graphic, see page 1360-15  
of the printed version of the Barberton Development Code**

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (161) Nursing Home:**

**(161) Nursing Home:**

A facility other than a hospital that provides lodging and long-term nursing or convalescent care to three or more persons who are aged, convalescing, or chronically but not acutely ill, and are not

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related, as defined herein, to or members of the same family as, the operator.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (162) Obstruction:**

**(162) Obstruction:**

Any building, structure, object, or part thereof located in the way of any yard or open space required by City regulations, excluding landscaping.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (163) Occupancy, Change of:**

**(163) Occupancy, Change of:**

The moving into a premises of a new occupant. A change in the name of an existing occupant or a change in a franchise held by or product(s) sold by an existing business occupant shall not be construed as a change in occupancy.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (164) Official Map:**

**(164) Official Map:**

A map adopted by the City under authority of Chapter 735 of the Ohio Revised Code designating certain areas that are to be reserved, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (165) Opacity:**

**(165) Opacity:**

The percentage of vision-obscuring solid materials visible when an object or surface is viewed horizontally between grade level---or between the level of the roof at the base of the object in the case of a roof-mounted object---and the top of the object. Opacity shall be considered that existing upon installation or, in the case of living landscape screening required herein, starting no later than 12 months after installation.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (166) Open Sales Lot:**

**(166) Open Sales Lot:**

Open land that is used or occupied primarily for the purpose of displaying motor vehicles, boats, lawn tractors, trailers, manufactured homes, recreational vehicles, cemetery monuments, nursery plants or supplies, or other merchandise available for sale, lease, exchange, or other distribution.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (167) Open Space:**

**(167) Open Space:**

Uncovered area open to the sky on the same lot with a building.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (168) Open Space, Common:**

**(168) Open Space, Common:**

Land in a development that is not covered by buildings or by vehicular areas, as defined herein, that is permanently set aside in public or private ownership for the common recreational use or aesthetic enjoyment of the occupants of the development or of the community at large.

Common open space may include parks, playgrounds, and totlots; nature preserves; outdoor recreation areas; trails, walkways, and bikeways; landscaped street medians; landscaped green space; water bodies or water courses; and dry and wet stormwater retention or detention areas. Common open space shall not include private yard areas.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (169) Outdoor Cafe:**

**(169) Outdoor Cafe:**

A restaurant, tavern, or night club all or part of a seating area of which is located on a regular basis in the open, either on a public sidewalk, abutting a public sidewalk, on a balcony or terrace, or in any other outdoor location.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (170) Outdoor Storage:**

**(170) Outdoor Storage:**

The keeping outside of a completely enclosed structure, as defined herein, for more than 24 consecutive hours--other than as a Temporary Use as regulated by division 1310.04(a)--of any goods or other materials other than parked motor vehicles, trailers, or recreational vehicles used by the



occupants of the premises or their visitors, customers, suppliers, or contractors. Some outdoor storage areas may be considered junk yards or wrecking yards, both as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (171) Outlot:**

**(171) Outlot:**

The property shown on a subdivision plat located outside the boundaries of the land to be developed.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (172) Parapet:**

**(172) Parapet:**

That portion of a wall that extends above the level of the roof where it meets the wall.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (173) Parapet Line:**

**(173) Parapet Line:**

A horizontal line along the top edge or highest point of a parapet.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (174) Parking Area, Attended:**

**(174) Parking Area, Attended:**

An off-street parking facility with at least one employee on the premises when the facility is open for purposes of fee collection and/or valet parking.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (175) Parking Space Depth:**

**(175) Parking Space Depth:**

The longer of the two dimensions of a rectangular parking space. In the case of a space that is not rectangular, the depth shall be the length of the largest imaginary rectangle that can fit within the space.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (176) Parking Space, Off-Street:**  
**(176) Parking Space, Off-Street:**

An area outside of any public street or alley right-of-way suitable for parking a motor vehicle. A parking space may be for either free or paid parking.

**Please Note: To view the Parking Space Dimensions Graphic,  
see page 1360-16 of the printed version of the Barberton  
Development Code**

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (177) Parking Space, Reserved:**  
**(177) Parking Space, Reserved:**

A space restricted to use by one or more particular individuals, occupants, or organizations other than spaces reserved for the handicapped, valet parking, or for drivers of high-occupancy car pool vehicles or small cars.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (178) Parking Space, Tandem:**  
**(178) Parking Space, Tandem:**

A parking space that a motor vehicle of the type the space is intended to accommodate cannot enter from outside the lot except by crossing another parking space. Sometimes called a stacked parking space.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (179) Parking Space Width:**  
**(179) Parking Space Width:**

The shorter of the two dimensions of a rectangular parking space. In the case of a space that is not rectangular, the width shall be the width of the largest imaginary rectangle that can fit within the space.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (180) Parking, Valet:**

**(180) Parking, Valet:**

Off-street parking in which attendants in the employ of the parking facility either park or direct the parking of all vehicles.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (181) Peak Hours:**

**(181) Peak Hours:**

AM peak hours and PM peak hours, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (182) Peak Hours, AM:**

**(182) Peak Hours, AM:**

The hours between 7 AM and 9 AM, Monday through Friday.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (183) Peak Hours, PM:**

**(183) Peak Hours, PM:**

The hours between 5 PM and 6:30 PM, Monday through Friday.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (184) Pedestrian Area:**

**(184) Pedestrian Area:**

A sidewalk, pedestrian way, plaza, or other open area designed or used as a place for pedestrians to circulate or congregate.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (185) Pedestrian Way:**

**(185) Pedestrian Way:**

A non-vehicular right-of-way for the primary use of pedestrians, such as might be provided

through an open space area or in the middle of a long block.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (186) Penthouse:**

**(186) Penthouse:**

A structure attached to the top of a building used to cover the building's mechanical equipment, such as HVAC equipment, elevator equipment, or auxiliary water storage.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (187) Permit, Building:**

**(187) Permit, Building:**

A permit required under the Building Code before most kinds of building construction may be started.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (188) Permit, Conditional Use:**

**(188) Permit, Conditional Use:**

A permit required for the use of any land, water area, building, structure, air rights, or other premises as a Conditional Use.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (189) Permit, Demolition:**

**(189) Permit, Demolition:**

A City permit required before certain structures may be demolished.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (190) Permit, Sign:**

**(190) Permit, Sign:**

A City permit required prior to the display of many types of signs.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (191) Permit, Temporary Use:**

**(191) Permit, Temporary Use:**

A City permit allowing for a limited duration a use not allowed as a permanent use by the use regulations of the applicable zoning district.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (192) Planned Unit Development:**

**(192) Planned Unit Development:**

A tract of land that is or will be developed as an integral unit based on a plan that allows for more flexible regulatory development standards than would normally apply in order to provide a higher quality of planning and amenity than would otherwise be possible.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (193) Plat:**

**(193) Plat:**

A complete and exact map representation of a subdivision of land.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (194) Plat, Final:**

**(194) Plat, Final:**

The complete and exact plat of a subdivision that is given final approval by the City and is recorded with the County.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (195) Plat of Survey, Current:**

**(195) Plat of Survey, Current:**

A plat prepared by a licensed surveyor showing, as they exist as of the date of filing:

- A. A legal description of the property, and
- B. the boundary lines thereof, and
- C. the locations of all improvements and monuments, and
- D. all encroachments, and
- E. the boundaries of all existing streets, easements, rights-of-way, and areas dedicated to public

use within 200 feet of the property.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (196) Plat, Preliminary:**

**(196) Plat, Preliminary:**

The initial filing of a plat of subdivision upon which the substantive approval or disapproval of the subdivision by the City is based.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (197) Premises:**

**(197) Premises:**

Any improved or unimproved real property.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (198) Primary Property:**

**(198) Primary Property:**

1. A property or portion thereof located in a single-lot PO Preservation Overlay District, or
2. A property or portion thereof located in a multi-lot PO District that would taken by itself meet the Approval Criteria for PO zoning.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (199) Publicly Visible:**

**(199) Publicly Visible:**

Capable of being seen:

1. from public streets, or
2. from the ground or any building story on abutting property that is also located within the PO Preservation Overlay District.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (200) Reasonable Return:**

**(200) Reasonable Return:**

A net annual income that is determined by the applicable Review Body, based on appropriate data or expert opinion, to be within the range typical of properties with similar characteristics affecting economic value, including location and the underlying zoning classification.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (201) Reception Window:**

**(201) Reception Window:**

The space between the reflector of a satellite dish antenna and the orbiting satellite or other extraterritorial object with which it is communicating.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (202) Recycling Center:**

**(202) Recycling Center:**

A facility for separating and processing of used material prior to shipment elsewhere for use in manufacturing.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (203) Recycling Collection Point:**

**(203) Recycling Collection Point:**

A container, small structure, or other premises used for drop-off and temporary storage, but not processing, of small refuse materials to be recycled. Incidental collection and sorting of recyclable materials as an Accessory Use shall not be considered a recycling collection point.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (204) Redevelop:**

**(204) Redevelop:**

To clear the Principal Use structure(s) on a lot and build new Principal Use structure(s) and/or to undertake substantial rehabilitation, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (205) Refuse:**

**(205) Refuse:**

All waste products resulting from human activity except sewage.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (206) Related:**

**(206) Related:**

Connected by blood, marriage, adoption, or foster parentage.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (207) Research Laboratory:**

**(207) Research Laboratory:**

A premises housing facilities for scientific research, testing, or experimentation but not primarily housing facilities for the manufacture, sale, or storage of products.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (208) Reservation:**

**(208) Reservation:**

1. The act of reserving land.
2. A parcel of land that has been reserved.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (209) Reserve:**

**(209) Reserve:**

1. To hold and refrain from developing undeveloped land for possible purchase by a public agency for use as a public area or public facility, such as a street, park, or school site.
2. A public open space.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (210) Resubdivision:**

**(210) Resubdivision:**

The act of subdividing or of relocating lot lines within a previously recorded subdivision.



**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (211) Review Body:**

**(211) Review Body:**

A board, commission, committee, or officer of the City charged under this Code with the review and approval of one or more development approvals, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (212) Right-of-Way:**

**(212) Right-of-Way:**

A strip of land used for passage of motor vehicles, railroads, or pedestrians or for the location of utility or communications lines. An access easement shall not be considered a right-of-way.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (213) Right-of-Way, Public:**

**(213) Right-of-Way, Public:**

A right-of-way dedicated to or owned by a public body and available for use by the general public. In the case of public streets, the public right-of-way normally includes the curbs, tree lawns, sidewalks, and lighting and drainage facilities.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (214) Roof Line:**

**(214) Roof Line:**

A horizontal line along the top edge or highest point of a roof.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (215) Rooming House:**

**(215) Rooming House:**

A building or part thereof that is not a hotel or motel or tourist home and that provides lodging rooms to 3 or more mostly transient paying guests who are not part of the keeper's family.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (216) Satellite Dish Antenna:**

**(216) Satellite Dish Antenna:**

A device used to transmit and/or receive microwave or other electromagnetic waves between the earth and satellites in earth orbit or other extraterritorial devices, that incorporates a parabolic, spherical, or horn-shaped reflector greater than 2 feet in diameter.

Satellite dish antennas include satellite earth stations, TVRO's (television reception only systems), DBS's (direct broadcast systems), VSAT's (very small aperture terminals), and satellite microwave antennas conforming to this definition.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (217) Screening:**

**(217) Screening:**

A structure erected, land contoured, and/or vegetation planted to conceal wholly or partially the area behind it.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (218) Secondary Property:**

**(218) Secondary Property:**

A property or portion thereof located within a multi-lot PO Preservation Overlay District that would not, taken by itself, meet the Approval Criteria for PO zoning.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (219) Service Director:**

**(219) Service Director:**

The Director of Public Service of the City of Barberton.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (220) Service Station:**

**(220) Service Station:**

A business devoted primarily to the retail dispensing of vehicular fuel into motor vehicles and/or boats and to the performance of incidental servicing, as defined herein, and/or minor repair, as also defined herein, but that does not perform major repair, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (221) Setback:**

**(221) Setback:**

The shortest horizontal distance between a lot line and the closest part or projection thereof of any structure or area. If no lot line is specified, the applicable lot line shall be the street line(s).

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (222) Shopping Center:**

**(222) Shopping Center:**

A group of three or more retail, retail office, or personal service uses designed as a single commercial group, occupying premises under common ownership or management, and sharing a common off-street parking area.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (223) Shrub:**

**(223) Shrub:**

A woody plant, usually multi-stemmed and lowbranching, that grows to a mature height of 10 feet or less.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (224) Sidewalk:**

**(224) Sidewalk:**

A portion of a street right-of-way improved for use primarily for pedestrian traffic and separated from the portion for motor vehicle movement.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (225) Sign:**

**(225) Sign:**

Any visual or graphic device that is designed and/or used to communicate--primarily through use of words, numbers, characters, and/or proprietary symbols, as defined herein--a verbal and/or visual message and that is visible from ground level beyond the lot or building site in which the sign is displayed.

Such a device shall be considered a sign whether or not a message is currently displayed thereupon. Sign shells, embellishments, and support structures shall be considered part of the sign.

(See Section 1230.08 for additional sign-related definitions.)

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (226) Site Area, Gross:**

**(226) Site Area, Gross:**

The total acreage of land within a development including the rights-of-way of streets.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (227) Site Area, Net:**

**(227) Site Area, Net:**

The total acreage of land within a development excluding the rights-of-way of streets.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (228) Site Condominium:**

**(228) Site Condominium:**

A condominium in which each condominium unit has the exclusive right to use a limited common area of land outside and contiguous to the building in which the unit is located other than a single patio or similar accessory area less than 100 square feet in area.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (229) Site Cooperative:**

**(229) Site Cooperative:**

A real estate cooperative in which each shareholder has the exclusive right to use an area of land outside and contiguous to a building the shareholder owns or has the exclusive right to use, other than a single patio or similar accessory area less than 100 square feet in area.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (230) Slope, Percent:**

**(230) Slope, Percent:**

A slope expressed as the percentage that the vertical rise over a horizontal distance is of the

horizontal length of that distance. A rise of one foot vertical in three feet horizontal is a 33 percent slope.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (231) Special Exception:**

**(231) Special Exception:**

An exception to the regulations of this Code that is authorized by a specific provision pertaining thereto rather than being only generally authorized, as in the case of Variances. A Conditional Use is a form of Special Exception. Special Exceptions are not required to conform to the Approval Criteria or other regulations for Variances.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (232) Stacking Space:**

**(232) Stacking Space:**

A space designed for the temporary queueing of motor vehicles.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (233) Story:**

**(233) Story:**

That portion of a building included between the top surface of any floor and the top surface of the floor next above, or, if there is no floor above, the ceiling next above. A basement is counted as a story, but a cellar is not.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (234) Story, Half:**

**(234) Story, Half:**

A space under a sloping roof where the line of intersection of roof decking and wall is not more than 3 feet above the top floor level and in which space not more than 60 percent of the floor area is completed for a Principal or Accessory Use.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (235) Street:**

**(235) Street:**

A normally public right-of-way other than an alley intended or used primarily for the passage of motor vehicles.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (236) Street, Arterial:**

**(236) Street, Arterial:**

A street or street segment designated as an arterial street in the Comprehensive Plan.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (237) Street, Collector:**

**(237) Street, Collector:**

A street or street segment designated as a collector street in the Comprehensive Plan.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (238) Street, Cul-de-Sac:**

**(238) Street, Cul-de-Sac:**

A Minor Street permanently established with a single point of vehicular ingress and egress.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (239) Street, Freeway:**

**(239) Street, Freeway:**

A street or street segment designated as a free-way, expressway, or Interstate Highway in the Comprehensive Plan.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (240) Street, Frontage Road:**

**(240) Street, Frontage Road:**

A street adjacent and normally parallel to an arterial street or freeway with limited access thereto designed to provide access to abutting parcels that is not provided by the arterial or freeway.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (241) Street Line:**

**(241) Street Line:**

The dividing line between a lot, parcel of land, or building site and the right-of-way of a contiguous existing or dedicated street or a planned street included in the Comprehensive Plan.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (242) Street, Loop:**

**(242) Street, Loop:**

A short minor street each end of which intersects the same street.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (243) Street, Minor:**

**(243) Street, Minor:**

1. A street or street segment designated as a minor or local street in the Comprehensive Plan, or
2. Any street or street segment not designated as a freeway, expressway, Interstate Highway, arterial, or collector street or equivalent designation on such plan.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (244) Street, Private:**

**(244) Street, Private:**

A street not dedicated to the public.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (245) Street, Stub:**

**(245) Street, Stub:**

A street having only one outlet for motor vehicle traffic that is designed to be extended in the future or that does not meet City requirements for a permanent cul-de-sac.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (246) Street Vendor:**

**(246) Street Vendor:**

A cart, stall, vehicle, or other outdoor facility normally located within a public right-of-way for the purpose of selling or otherwise distributing food, services, or merchandise. Street vendors do not

include vending machines, newspaper racks, parking meters, fire or police call boxes, pay telephones, or farm stands.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (247) Structural Alteration:**

**(247) Structural Alteration:**

Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls, beams, or girders.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (248) Structure:**

**(248) Structure:**

Anything erected the use of which requires more or less permanent location on the ground or attachment to something on the ground designed for support purposes only. Structures include buildings, manufactured homes and commercial trailers (but not recreational vehicles, utility trailers, or semi-trailers), walls, fences, and free-standing ground signs.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (249) Structure, Accessory:**

**(249) Structure, Accessory:**

A structure that is or houses only an Accessory Use, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (250) Structure, Principal:**

**(250) Structure, Principal:**

A structure that houses a Principal Use, as de-fined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (251) Structure, Temporary:**

**(251) Structure, Temporary:**

A structure that is a Temporary Use, as defined herein.



**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (252) Subdivider:**

**(252) Subdivider:**

A person that creates a subdivision, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (253) Subdivision:**

**(253) Subdivision:**

1. The division of land into 2 or more lots or other divisions, any one of which is less than 5 acres for the purpose of transfer of ownership.
2. Any improvement of land for structures involving the division or allocation of land for any street or widening or extension thereof that is not a private street serving one or more industrial structures.
3. The division or allocation of land as common open space.
4. The division or allocation of land for easements for public utilities or other public facilities.
5. Any of the above actions taken after any previous such action on the same land (resubdivision).
6. The land so divided, allocated, or improved.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (254) Subdivision, Major:**

**(254) Subdivision, Major:**

Any subdivision that is not a minor subdivision, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (255) Subdivision, Minor:**

**(255) Subdivision, Minor:**

A subdivision of 5 or fewer lots, including the parent lot, that:

1. is along an existing public street, and

2. does not involve the opening, widening, or extension of any street, and
3. does not involve the installation of any public utility.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (256) Substantial Rehabilitation:**

**(256) Substantial Rehabilitation:**

Repair or construction work on a Principal Use building undertaken within any consecutive 12-month period that preserves the building and that has a value of over 50 percent of its current replacement value, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (257) Swimming Pool:**

**(257) Swimming Pool:**

Any temporary or permanent artificially constructed body or open tank of water together with all related equipment that:

- A. is usable for human wading, swimming, or bathing, and
- B. is located in or above the ground outside of a completely enclosed building, and
- C. is supplied with water from a controlled water source, and
- D. is normally capable of containing water to a depth at any point exceeding 2 feet, and
- E. has a floor surface area of 250 square feet or more.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (258) Swimming Pool, Commercial:**

**(258) Swimming Pool, Commercial:**

A swimming pool that is not a residential swimming pool or a private swimming pool, both as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (259) Swimming Pool, Private:**

**(259) Swimming Pool, Private:**

A swimming pool intended for the exclusive use of a limited group of people, such as the

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members of a club and their guests, residents of an apartment community or of a particular subdivision, or tenants of a business park.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (260) Swimming Pool, Residential:**

**(260) Swimming Pool, Residential:**

A swimming pool intended for the exclusive not-for-profit use of the members of a single household residing on the same lot and their non-paying guests.

Residential swimming pools include children's pools of plastic or inflatable rubber conforming to the above definition. They do not include outdoor hot tubs, jacuzzis, spas, whirlpool baths, pools serving multi-family developments, flood water detention or retention ponds, decorative or reflecting pools, or man-made lakes or other artificial water features.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (261) Tavern:**

**(261) Tavern:**

Any commercial establishment selling alcoholic beverages by the drink, including restaurants serving alcohol.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (262) Tourist Home:**

**(262) Tourist Home:**

A building or part thereof where lodging is provided by a resident family to more than 2 paying guests and mainly to transients.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (262A) Traditional Neighborhood Development:**

**(262A) Traditional Neighborhood Development:**

A development that is entirely or mostly residential and that reflects the pedestrian-oriented pattern of development characterizing the older neighborhoods of Barberton and other older Ohio cities in such particulars as lot sizes, yards, location of parking, street widths and street system configuration. It features a generally higher-intensity pattern of land use than contemporary suburban development and a lesser prominence of areas devoted to automobile uses.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (263) Trailer:**

**(263) Trailer:**

Any portable structure or vehicle designed for highway travel and used on a short-term or in-terim basis for living, sleeping, or commercial purposes.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (264) Trailer Park:**

**(264) Trailer Park:**

Any site under single ownership or control on which 3 or more trailers or recreational vehicles other than boats are located in the open other than a construction site, trailer or RV service or repair facility, trailer or RV manufacturing plant, trailer or RV sales or storage lot, or wrecking yard.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (265) Tree, Large:**

**(265) Tree, Large:**

A tree with a mature height of over 40 feet.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (266) Tree Lawn:**

**(266) Tree Lawn:**

A strip of land within a street right-of-way separating a sidewalk from the curb or street pavement that is normally planted in grass and sometimes also with trees. Also called planting strip, devil strip, curb strip, or curb lawn.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (267) Tree, Medium:**

**(267) Tree, Medium:**

A tree with a mature height of 20 to 40 feet, inclusive.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (268) Tree, Small:**

**(268) Tree, Small:**

A tree with a mature height of under 20 feet.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (269) Unit Grouping:**

**(269) Unit Grouping:**

An attached group of single-family attached or townhouse dwellings.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (270) Use:**

**(270) Use:**

The purpose or activity for which land, structures thereupon, bodies of water, air rights, or other premises are occupied and maintained.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (271) Use, Accessory:**

**(271) Use, Accessory:**

A subordinate use located on the same lot or parcel as a Principal Use (except when specifically permitted by this Code to locate on a separate lot) and serving a purpose customarily incidental to that of such Principal Use.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (272) Use, Agricultural:**

**(272) Use, Agricultural:**

A land use consisting only of agriculture and Accessory Uses thereto.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (273) Use, Business:**

**(273) Use, Business:**

Any use other than a residential use or institutional use, as defined herein, or government or utility use. Business uses include industrial uses, office uses, personal service uses, retail uses, and retail office uses, all as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (274) Use, Change of:**

**(274) Use, Change of:**

Any change from one use listed in a Use Group in Chapter 1130, Allowable Uses, to another use listed in the same or any other Use Group, whether or not a period of vacancy has intervened.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (275) Use, Conditional:**

**(275) Use, Conditional:**

A use that because of its special character cannot be allowed generally in a zoning district but may be allowed under special conditions and is therefore subject to the prior approval of a Conditional Use Permit.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (276) Use, Entertainment:**

**(276) Use, Entertainment:**

A restaurant, tavern, night club, theatre, banquet hall, or any similar establishment offering amusement or entertainment services.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (277) Use, Existing:**

**(277) Use, Existing:**

A use in existence on the date of effect of the applicable regulation.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (278) Use, Industrial:**

**(278) Use, Industrial:**

Any use involving the large-scale fabrication, assembly, mining, treatment, packaging, testing, distillation, or similar processing of goods or materials, or their mass storage, prior to their sale or resale.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (279) Use, Institutional:**

**(279) Use, Institutional:**

An educational institution, hospital, philanthropic institution, recreational institution, or religious institution, all as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (280) Use, Non-Residential:**

**(280) Use, Non-Residential:**

Any use that includes any business, institutional, government, or utility use other than as an allowable home occupation or other allowable Accessory Use.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (281) Use, Office:**

**(281) Use, Office:**

A business use primarily involving administrative, professional, or clerical operations and not involving industrial uses, warehousing, or wholesale or retail trade on the premises.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (282) Use, Permanent:**

**(282) Use, Permanent:**

Any use that is not a Temporary Use, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (283) Use, Permitted:**

**(283) Use, Permitted:**

A use allowable as of right within a zoning district without the need for a Conditional Use Permit or Amendment.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (284) Use, Personal Service:**

**(284) Use, Personal Service:**

A use providing services to the general public involving care of the person or his or her apparel.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (285) Use, Principal:**

**(285) Use, Principal:**

The main use of a lot as distinguished from an Accessory Use.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (286) Use, Residential:**

**(286) Use, Residential:**

A use confined to dwelling units and Accessory Uses thereto such as home occupations.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (287) Use, Residential, Multi-Family:**

**(287) Use, Residential, Multi-Family:**

A residential use consisting exclusively of multi-family dwellings and Accessory Uses thereto.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (288) Use, Residential, Single-Family:**

**(288) Use, Residential, Single-Family:**

A residential use consisting exclusively of one or more single-family detached or attached dwellings and Accessory Uses thereto.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (289) Use, Residential, Two-Family:**

**(289) Use, Residential, Two-Family:**

A residential use consisting exclusively of two-family dwellings and Accessory Uses thereto.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (290) Use, Retail:**

**(290) Use, Retail:**

A store selling goods individually or in small quantities directly to the consumer for personal or household consumption.



**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (291) Use, Retail Office:**

**(291) Use, Retail Office:**

An office use that regularly attracts significant numbers of customers or clients from the general public in addition to its employees, such as real estate, securities, and insurance brokerages, tax preparation services, loan offices, travel agencies, drivers license bureaus, unemployment offices, and the like.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (292) Use, Temporary**

**(292) Use, Temporary**

A Principal or Accessory Use that is established for a limited period as regulated by provisions on Temporary Uses in division 1310.04(a).

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (293) Use, Wholesale:**

**(293) Use, Wholesale:**

A business engaged in selling to retailers or jobbers rather than to end users or consumers.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (294) Variance:**

**(294) Variance:**

A modification of the provisions of this Code authorized by division 1310.03(a).

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (295) Variance, Homeowner:**

**(295) Variance, Homeowner:**

Any Variance that is for a property that is or is to be used for no more than one single-, two-, or three-family dwelling.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (296) Variance, Use:**

**(296) Variance, Use:**

A Variance that permits in any zoning district a permanent Principal or Accessory Use not allowed by the use regulations applicable to that district.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (297) Vehicle, Commercial:**

**(297) Vehicle, Commercial:**

Any motorized vehicle or trailer drawn thereby designed primarily for the transportation of materials or property (whether or not currently carrying such), for construction or earth moving, or to operate a power attachment such as a snow plow, that is not primarily used by a household for non-commercial personal or family transportation, for residential property maintenance, for recreation, or for car pooling.

Commercial vehicles include commercial trucks, buses, commercial vans, tractors and other motorized farm equipment, semi-tractors and semi-trailers, garbage trucks, tow trucks, tank trucks, cement trucks, sump trucks, snow plows, trailers, stake bed trucks, motorized farm vehicles, construction and earth-moving equipment, and commercial tree-trimming equipment. They do not include lawn tractors, snowmobiles, dune buggies, or recreational vehicles, as defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (298) Vehicle, Inoperable:**

**(298) Vehicle, Inoperable:**

A motor vehicle that has been in a wrecked, dismantled, or non-operating condition for more than 30 days since its arrival on a premises.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (299) Vehicle, Junk:**

**(299) Vehicle, Junk:**

An inoperable vehicle, as defined herein, that is not a restorable vehicle, as also defined herein.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (300) Vehicle, Recreational:**

**(300) Vehicle, Recreational:**

A recreational boat or a vehicle primarily designed as temporary living quarters in conjunction

with recreation, camping, or travel use that either has its own motive power or is drawn by another vehicle. Recreational vehicles include travel trailers, camping trailers, truck campers, motor homes, and similar vehicles.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (301) Vehicle, Restorable:**

**(301) Vehicle, Restorable:**

An inoperable vehicle, as defined herein, currently being actively restored or used in the restoration of another vehicle by its owner in connection with a hobby of restoring historic or collectable motor vehicles. The Building Commissioner may require evidence from the vehicle owner that the vehicle is actively being so used in order to determine whether a vehicle is a restorable vehicle.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (302) Vehicular Area:**

**(302) Vehicular Area:**

Any open area outside of a street or alley right-of-way used for motor vehicle parking, stacking, loading or unloading, maneuvering, or circulation.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (303) Vision Clearance Triangle:**

**(303) Vision Clearance Triangle:**

A triangular area formed by:

1. the right-of-way lines of streets and/or railroads, and/or the boundaries of internal access driveways between:

A. their at-grade intersection, and

B. two points at the distances specified herein from such intersection along each such line, and

2. a straight line connecting these two points.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (304) Visual Change:**

**(304) Visual Change:**

A significant alteration in the type, size, location, materials, design, style, color, texture, or other

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element of the exterior appearance of a premises that is publicly visible, as defined herein, as determined by the Planning Director.

Changes to building interiors, even though publicly visible, shall not be considered visual changes.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (305) Visually Compatible:**

**(305) Visually Compatible:**

Exhibiting a visual consistency, harmony, or relatedness that avoids excessive visual contrast or incongruity by including at least some unifying element of sameness or similarity. Judgments of visual compatibility shall be based on accepted professional principles of design.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (306) Wall, Front:**

**(306) Wall, Front:**

The wall of a building nearest the front lot line that is parallel or most nearly parallel to said line.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (307) Wrecking Yard:**

**(307) Wrecking Yard:**

An open premises used for the dismantling or wrecking of used motor vehicles, trailers, boats, or similar vehicles or their parts and/or for sale, storage, or dumping of wrecked vehicles or their parts. Premises conforming to the definition of motor vehicle body shops or motor vehicle repair shops, uses carried on within completely enclosed buildings, and the parking of collector vehicles authorized by division 1210.05(c) shall not be considered wrecking yards.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (308) Yard:**

**(308) Yard:**

An Actual Yard or a Required Yard, both as defined herein. Where a yard is not specified herein to be a Required Yard or an Actual Yard, it shall be construed to be a Required Yard.

**Please Note: To view the Yards Graphic, see page 1360-24 of the printed version of the Barberton Development Code**

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (309) Yard, Actual:**

**(309) Yard, Actual:**

The open space on a lot, as defined herein, between a building line, as defined herein, or building line extended and the opposite lot line.

An Actual Yard may be larger than the corresponding Required Yard.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (310) Yard, Corner Side, Actual:**

**(310) Yard, Corner Side, Actual:**

An actual yard extending between a corner side lot line and the opposite building line and also extending the full depth of the lot but excluding any part of an actual front yard.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (311) Yard, Corner Side, Required:**

**(311) Yard, Corner Side, Required:**

A required yard extending between a corner side lot line and a line drawn parallel thereto at a distance therefrom equal to the applicable corner side yard requirement of this Code and also extending the full depth of the lot but excluding any part of a required front yard.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (312) Yard, Court:**

**(312) Yard, Court:**

An open space on a lot--other than a front, rear, corner side, or interior side yard--that is bounded on two or more sides by the walls of one or more buildings.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (313) Yard, Front, Actual:**

**(313) Yard, Front, Actual:**

An actual yard extending along the full frontage of a lot between a front lot line and the opposite building line extended to the side lot lines.

**Please Note: To view the Required Yards and Actual Yards Graphic, see page 1360-24 of the printed version of the Barberton Development Code**

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (314) Yard, Front, Required:**

**(314) Yard, Front, Required:**

A required yard extending along the full front-age of a lot between a front lot line and a line drawn parallel thereto at a distance therefrom equal to the applicable front yard requirement of this Code.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (315) Yard, Interior Side, Actual:**

**(315) Yard, Interior Side, Actual:**

An actual yard extending between an interior side lot line and the opposite building line but excluding any part of an actual front or rear yard.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (316) Yard, Interior Side, Required:**

**(316) Yard, Interior Side, Required:**

A required yard extending between an interior side lot line and a line drawn parallel thereto at a distance therefrom established by the interior side yard requirements of this Code but excluding any part of a required front or required rear yard. A required interior side yard may be measured from the center line of any alley abutting such yard.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (317) Yard, Rear, Actual:**

**(317) Yard, Rear, Actual:**

An actual yard extending the full width of a lot between the rear lot line and the opposite building line but excluding any portion of an actual corner side yard.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (318) Yard, Rear, Required:**

**(318) Yard, Rear, Required:**

A required yard extending the full width of a lot between the rear lot line and a line drawn parallel thereto at a distance therefrom established by the rear yard requirements of this Code but excluding any portion of a required corner side yard. A required rear yard may be measured from the center line of any alley abutting such yard.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (319) Yard, Required:**

**(319) Yard, Required:**

An open space on a lot, as defined herein, that is required by this Code to be unoccupied and unobstructed above ground from its lowest level to the sky by any structure or part or projection thereof other than those permitted in required yards by City regulations. Yard requirements are measured horizontally irrespective of the slope of the land.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (320) Yard Sale:**

**(320) Yard Sale:**

A temporary sale open to the public and conducted as an Accessory Use to a residential premises at which more than 5 items of personal household property owned and used by members of the household living thereupon are offered for sale, exchange, or other distribution or displayed in connection therewith and at which no merchandise purchased for resale or obtained on consignment is offered. Yard sales include garage sales, attic sales, basement sales, and house sales.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (321) Yard, Street:**

**(321) Yard, Street:**

A front yard or corner side yard.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (322) Yard, Street, Actual:**

**(322) Yard, Street, Actual:**

An actual front yard or an actual corner side yard.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (323) Yard, Street, Required:**

**(323) Yard, Street, Required:**

A required front yard or a required corner side yard.

**Title 4 : Development Administration / Chapter 1360 Definitions / 1360.02 Rules and Definitions / (b) Definitions / (324) Zoning Regulations, or Zoning Code:**

**(324) Zoning Regulations, or Zoning Code:**

Chapters 1100 through 1199 of the Codified Ordinances of Barberton, Ohio.

(Ord. 148-95. Passed 12-11-95. Ord. 119-1999. Passed 7-26-99.)