

## CITY COUNCIL AGENDA

May 6, 2013

7:30 p.m.

The meeting will be held at City Hall, in Council Chambers, 1<sup>st</sup> Floor, 538 N. Market Street, Wooster, Ohio.

### **I. ROLL CALL & ORDERING OF AGENDA**

### **II. APPROVAL OF MINUTES**

### **III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**

### **IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**

### **V. COMMITTEE REPORTS; PUBLIC HEARINGS**

PUBLIC HEARING - Amendments to the City of Wooster Planning and Zoning Code. (Title One, General Provisions/Administration, Chapter 1103 – Definitions and Chapter 1115 – Submission Requirements; Title Three, Zoning District /Use Regulations, Chapter 1125 – General Use Regulations, Chapter 1141 – Commercial Districts, Chapter 1143 – Manufacturing Districts, and Chapter 1147 – Conditional Use Requirements; Title Five, Regulations Applicable to All Districts, Chapters 1169 – Off Street Parking and Loading Regulations, and Chapter 1171 - Signs).

### **VI. OLD BUSINESS**

### **VII. NEW BUSINESS**

1. First Reading – ORDINANCE NO. 2013-17 AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY THE ADOPTION OF VARIOUS TEXT AMENDMENTS TO TITLES ONE, THREE AND FIVE OF THE CODE. (Knapic)
2. First Reading – ORDINANCE NO. 2013-18 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN ACCESS AGREEMENT FOR THE PLACEMENT OF A TEMPORARY CELL TOWER FACILITY AT GERSTENSLAGER-MARTIN PARK, AND DECLARING AN EMERGENCY (Silvestri)
3. First Reading – ORDINANCE NO. 2013-19 AN ORDINANCE AMENDING CHAPTER 162, MANAGEMENT BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO TO CONFORM TO A RECENT DECISION OF THE STATE EMPLOYMENT RELATIONS BOARD (Knapic)
4. First Reading – RESOLUTION NO. 2013-44 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW A TECHNICAL SERVICES CONTRACT FOR THE PROVISION OF NATURAL GAS SERVICE TO CITY-OWNED FACILITIES (Ansel)
5. First Reading – RESOLUTION NO. 2013-45 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH quasar energy group, DBA WOOSTER RENEWABLE ENERGY, LLC FOR THE CONSTRUCTION AND OPERATION OF IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT (Sanders)

### **VIII. MISCELLANEOUS**

### **IX. ADJOURNMENT**

**NOTICE TO LEGISLATIVE  
AUTHORITY**

**OHIO DIVISION OF LIQUOR CONTROL**  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

1512222		TRFO	CITY SQUARE STEAKHOUSE LLC	
PERMIT NUMBER		TYPE	DBA CITY SQUARE STEAKHOUSE	
02	01	2013		
ISSUE DATE		1ST FL BSMT & PATIO		
04	15	2013		
FILING DATE		148 S MARKET ST		
D1	D2	D3	D6	
PERMIT CLASSES				
85	165	B	F09670	
TAX DISTRICT		RECEIPT NO.		

FROM 04/18/2013

9773637			WOOSTER HOSPITALITY GROUP LLC	
PERMIT NUMBER		TYPE	DBA CITY SQUARE STEAKHOUSE	
02	01	2013		
ISSUE DATE		1ST FL BSMT & PATIO		
04	15	2013		
FILING DATE		148 S MARKET ST		
D1	D2	D3	D6	
PERMIT CLASSES				
85	165			
TAX DISTRICT		RECEIPT NO.		



MAILED 04/18/2013

RESPONSES MUST BE POSTMARKED NO LATER THAN. 05/20/2013

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

**B TRFO 1512222**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF WOOSTER CITY COUNCIL**  
538 N MARKET ST  
PO BOX 1128  
WOOSTER OHIO 44691

FOR OFFICE USE ONLY	
NEW	TRANSFER
PERMIT #	1512222

OHIO DEPARTMENT OF COMMERCE - DIVISION OF LIQUOR CONTROL

6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005

Telephone: (614) 644-2431 - http://www.com.ohio.gov/liqr



LIMITED LIABILITY COMPANY DISCLOSURE FORM

(This form must accompany all applications of an LLC business entity)

SECTION A.

Name of Limited Liability Company The City Square Steakhouse, LLC	DBA Name The City Square Steakhouse	
Permit Premises Address 148 S. Market St.	City, State Wooster, OH	Zip Code 44691
Township, if in Unincorporated Area	Tax Identification No. (TIN) 26-1249001	

Limited Liability Company ("LLC") - Chapter 1705 Ohio Revised Code. Indicate below the managing members, LLC Officers, and all persons with a 5% or greater membership or voting interest, and attach a copy of the Articles of Organization filed with the Ohio Secretary of State.

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

SECTION B. List the top five (5) officers of the captioned business. If an office is NOT held, please indicate by writing NONE.

EACH OFFICER LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO N/A		
2) President Michael A. Mariola		03-16-1978
3) Vice-President N/A		
4) Secretary N/A		
5) Treasurer Michael A. Mariola		03-16-1978

SECTION C. List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

1) Name Michael A. Mariola	Social Security No. (if individual) <input type="checkbox"/>	<input checked="" type="checkbox"/> Managing Member <input checked="" type="checkbox"/> 5% or greater voting interest <input checked="" type="checkbox"/> 5% or greater membership interest
Residence Address 1800 E. Moreland Rd.	Tax Identification No. (if applicable)	
City and State Wooster, OH	Zip Code 44691	
Telephone No. (330) 466-5212	Date of Birth 03-16-1978	
2) Name William A. Erdos	Social Security No. (if individual) <input type="checkbox"/>	<input type="checkbox"/> Managing Member <input type="checkbox"/> 5% or greater voting interest <input checked="" type="checkbox"/> 5% or greater membership interest
Residence Address 11363 Friendsville Rd.	Tax Identification No. (if applicable)	
City and State Creston, OH	Zip Code 44217	
Telephone No. (330) 465-8256	Date of Birth 08-03-1940	

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE)

STATE OF OHIO, Wayne COUNTY ss,

I, Michael A. Mariola being first duly sworn, according to law, deposes and says that he/she is (Title) President

of The City Square Steakhouse, LLC, a business duly authorized by law to do business in the State of Ohio, and that the statements made in the forgoing affidavit are true.

(Signature) [Signature] (Print Name and Title) Michael A. Mariola, President

Sworn to and subscribed in my presence this 9th day of April, 2013



SUSAN M. ELGES  
Notary Public, State of Ohio  
My Commission Expires October 25, 2016

OHIO DIV. LIQUOR CONTROL  
LICENSING SCAN #11-8

DLC4032 (LIMITED LIABILITY COMPANY DISCLOSURE FORM)

SECTION C.  
(CONTINUED)

List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.



THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

3) Name	William D. Older II, Trustee of the William D. Older, II Trust	Social Security No. (if individual)	<input type="checkbox"/> Managing Member
Residence Address	408 N. Bever St.	Tax Identification No. (if applicable)	<input checked="" type="checkbox"/> 5% or greater voting interest
City and State	Wooster, OH	Zip Code 44691	<input checked="" type="checkbox"/> 5% or greater membership interest
Telephone No.	(330) 464-3553	Date of Birth 07-19-1952	
4) Name	David M. Briggs	Social Security No. (if individual)	<input type="checkbox"/> Managing Member
Residence Address	1545 Eden Dr.	Tax Identification No. (if applicable)	<input checked="" type="checkbox"/> 5% or greater voting interest
City and State	Wooster, OH	Zip Code 44691	<input checked="" type="checkbox"/> 5% or greater membership interest
Telephone No.	(330) 264-8098	Date of Birth 01-19-1939	
5) Name	C. Michael Reardon	Social Security No. (if individual)	<input type="checkbox"/> Managing Member
Residence Address	2153 Larch Dr.	Tax Identification No. (if applicable)	<input checked="" type="checkbox"/> 5% or greater voting interest
City and State	Wooster, OH	Zip Code 44691	<input checked="" type="checkbox"/> 5% or greater membership interest
Telephone No.	(330) 264-2994	Date of Birth 11-09-1942	
6) Name		Social Security No. (if individual)	<input type="checkbox"/> Managing Member
Residence Address		Tax Identification No. (if applicable)	<input type="checkbox"/> 5% or greater voting interest
City and State		Zip Code	<input type="checkbox"/> 5% or greater membership interest
Telephone No.		Date of Birth	
7) Name		Social Security No. (if individual)	<input type="checkbox"/> Managing Member
Residence Address		Tax Identification No. (if applicable)	<input type="checkbox"/> 5% or greater voting interest
City and State		Zip Code	<input type="checkbox"/> 5% or greater membership interest
Telephone No.		Date of Birth	
8) Name		Social Security No. (if individual)	<input type="checkbox"/> Managing Member
Residence Address		Tax Identification No. (if applicable)	<input type="checkbox"/> 5% or greater voting interest
City and State		Zip Code	<input type="checkbox"/> 5% or greater membership interest
Telephone No.		Date of Birth	
9) Name		Social Security No. (if individual)	<input type="checkbox"/> Managing Member
Residence Address		Tax Identification No. (if applicable)	<input type="checkbox"/> 5% or greater voting interest
City and State		Zip Code	<input type="checkbox"/> 5% or greater membership interest
Telephone No.		Date of Birth	

2013 APR 15 AM 11:56

OHIO DIV. LIQUOR CONTROL  
LICENSING SCAN RM 1-9



## EXHIBIT A

### PROPOSED ZONING CODE AMENDMENTS - CHAPTER 1103 - DEFINITIONS, CHAPTER 1115 - SUBMISSION REQUIREMENTS, CHAPTER 1125 - GENERAL USE REGULATIONS, CHAPTER 1141 - COMMERCIAL DISTRICTS, CHAPTER 1143 - MANUFACTURING DISTRICTS, CHAPTER 1147 - CONDITIONAL USE REQUIREMENTS, CHAPTER 1169 - OFF STREET PARKING AND LOADING REGULATIONS, AND CHAPTER 1171 - SIGNS

#### CHAPTER 1103 DEFINITIONS

##### 1103.02 DEFINITIONS.

- (b) For the purpose of this Zoning Ordinance, the following terms shall have the meaning herein indicated:
- (1) Abut. To physically touch or border upon; or to share a common property line but not overlap. For the purposes of this Zoning Code, abut shall include properties separated by a publicly dedicated alley.
  - (2) Accessory structure. A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
  - (3) Adjacent. See abut.
  - (4) Adult care facility. A facility providing personal care services to adults (typically elderly). Such services may include assistance in daily living activities and self-administration of medicine, and preparation of special diets. There are two categories of adult care facilities licensed by the Ohio Department of Health:
    - A. An adult family home (providing accommodations for *three (3)* to *five (5)* unrelated adults); and,
    - B. An adult group home (providing accommodations for *six (6)* to *sixteen (16)* unrelated adults).
  - (5) Agriculture. The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry, and necessary accessory uses, including the accessory structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm, and the family thereof; provided, however, the following shall not be permitted in connection with any agricultural use:
    - A. The maintenance and operation of commercial greenhouses or hydroponic farms, the raising of poultry or furbearing animals, as a principal use;
    - B. The raising of livestock fed from garbage or offal, and the feeding or grazing of animals or poultry in either penned enclosures or in open pasture within *one hundred (100)* feet of any lot line, are not permitted in any zoning district.
    - C. The operation or maintenance of a stock yard or feedlot is not permitted in any zoning district.

- D. Wholesale or retail sales as an accessory use, unless the same are specifically permitted by this Planning and Zoning Code.
- (6) Alley. A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation, ***but is not a public or private street as defined by this Code.***
- (7) Animal hospital/clinic. A facility where domestic animals are given medical or surgical treatment and the boarding of animals occurs only as an incidental use for not more than ***thirty (30)*** days. This facility may include outdoor runs or boarding facilities as an accessory use where permitted.
- (8) Aquifer. A glacial formation, group of glacial formations, or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.
- (9) Architectural compatibility. A design or material/color selection is compatible when it does not strongly deviate from its parent building or the overall character of the neighborhood. To be compatible does not require look alike designs, but rather designs that reflect some aspects of its parent building or buildings in the general vicinity, such as scale of windows, overhangs, building materials, patterns of siding, roof slope. Conversely, incompatibly occurs when an architectural design, landscape design or accessory building proposal is aesthetically harsh or overwhelming in comparison to its neighbors.
- (10) Architectural feature. In the context of Chapter 1171, Sign Regulations, an architectural feature means any construction attending to, but not an integral part of, the sign, which may consist of landscape, building, or structural forms that enhance the site in general; also, graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose, or when the stripes or other painting techniques are applied to a building provided such treatment does not include lettering, logos or pictures related to the intended message of the sign.
- (11) Assembly hall. An establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduations parties and business or retirement functions. This term includes, but is not limited to, a banquet hall or rental hall.
- (12) Automobile service station. (See also Gasoline Station): A building, part of a building, structure or space which is used for the retail sale of lubricants and motor vehicle accessories, the routine maintenance and service of vehicles and the making of repairs to motor vehicles. Repairs described under “vehicle repair garage” shall not be permitted.
- (13) Average. The result of dividing the sum of two or more quantities by the number of quantities.
- (14) Awning. ***Any roof-like structure, made of cloth, metal, or other material, and intended for protection from the weather or as a decorative embellishment, and which projects from a wall of a building over a window, door, or the like, and that may include a type which can be retracted, folded, or collapsed against the face of a supporting building.***

- (14)(15) Bank. An establishment providing retail banking, credit and mortgage services. This term shall not include a currency exchange, a payday loan agency or a title loan agency.
- (15)(16) Basement or cellar. That portion of a building located partly underground but having at least *one-half* (½) of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (16)(17) Bed and breakfast establishment. A residential building, other than a hotel or motel, where overnight lodging, together with breakfast, is offered to the general public in exchange for a daily fee.
- (17)(18) Berm. An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.
- (18)(19) Block face. A single side of a dedicated street running from street to street including parcels and public right-of-way.
- (19)(20) Boarding house. A building or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for more than three (3) unrelated persons where no cooking or dining facilities are provided in the individual rooms.
- (20)(21) Buffer or buffer yard. A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.
- (21)(22) Building. Any structure having one or more floors and a roof supported by columns or walls, which is completely enclosed and is designed or intended for the shelter or protection of persons, animals or property.
- A. Building, accessory: A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to the principal building or use and which is constructed subsequent to the principal building or main use of the land.
- B. Building, principal: A building occupied by the main use of the lot on which said building is located.
- (22)(23) Building height. The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure excluding:
- A. Chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks, and similar roof structures needed to operate and maintain the building on which they are located; and,
- B. Flag poles, television aerials, water towers and tanks, steeples, and bell towers, carillons, monuments, and cupolas.
- (23)(24) Building line. An imaginary linear extension of the building parallel or substantially parallel to the street right-of-way line defining the limits of the front yard, or in the case of a corner lot, the corner side yard.
- (24)(25) Building marker. A sign or insignia cut into the exterior building surface, or otherwise permanently mounted on the building or site, indicating the name of the building, address, date of construction, or incidental information about its construction or historical significance.
- (25)(26) Building wall. In the context of Chapter 1171, Sign Regulations, any vertical surface of a building or structure (other than a pitched roof) that is integral to,

and could reasonably be constructed as a part of, the architecture of the building when signage is not being contemplated. Examples of building walls include, but are not limited to: awnings, canopies, marquees, vertical portions of gable roofs, parapets, mechanical penthouses, etc.

- (26)(27) Caliper. The American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six (6) inches above the ground up to and including four-inch caliper size, and twelve (12) inches above the ground for a caliper size greater than four (4) inches.
- (27)(28) Campground. A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units, including recreational dwellings, as temporary living quarters for recreational; education; or vacation purposes
- (28)(29) Camping unit. Any tent, cabin, recreation vehicle or similar structure established or maintained and operated in a campground as temporary, with temporary being defined as less than sixty (60) continuous days, living quarters for recreation, education, or vacation purposes.
- (30) Canopy. *A roofed structure constructed of fabric, metal, or other material, and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. Any structure that extends above any adjacent parapet or roof of the supporting building is not included within the definition of building canopy.*
- (29)(31) Carport. A roofed structure, with a foundation, that provides space for the parking of vehicles and enclosed on not more than three (3) sides.
- (30)(32) Car wash. A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.
- (31)(33) Cellar. See Basement.
- (32)(34) Cemetery. Cemetery means land used or intended to be used for the burial of the human or animal dead, and which is dedicated for cemetery purposes. Cemetery includes mausoleums and mortuaries if operated in connection with, and within the boundaries of a cemetery. This term shall not include crematoriums.
- (33)(35) Church. A building or structure used for public worship. The word "church" includes the words "place of worship," "house of worship," "chapel," "synagogue" and "temple" and their uses and activities that are customarily related.
- (34)(36) City Engineer. The City Engineer of Wooster, Ohio.
- (35)(37) Cluster Residential Development. An area of land to be planned and developed as a single residential development, in which a variety of housing units may be accommodated and the minimum lot size and setback requirements may be modified to achieve particular design objectives, while maintaining the same overall density limitations of the district in which the cluster residential development is located, and allowing for the flexible arrangement and clustering of houses to preserve restricted open space areas.

- (36)(38) Commercial motor vehicle. Any motor vehicle designed or used to transport persons, property, merchandise or freight primarily for-profit that meets any of the following qualifications:
- A. Any combination of vehicles with a combined gross vehicle weight rating of *twenty-six thousand one* (26,001) pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of *ten thousand* (10,000) pounds;
  - B. Any single vehicle with a gross vehicle weight rating of *twenty-six thousand one* (26,001) pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of *ten thousand* (10,000) pounds;
  - C. Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but that either is designed to transport sixteen or more passengers including the driver, or is placarded for hazardous materials;
  - D. Any school bus with a gross vehicle weight rating of less than *twenty-six thousand one* (26,001) pounds that is designed to transport fewer than sixteen passengers including the driver;
  - E. Is transporting hazardous materials for which placarding is required by regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended;
  - F. Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Highway Administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.
- (37)(39) Common area. Any land area and/or facilities that is held in common ownership by the residents through a homeowners' association, community association or other legal entity, or which is held by the individual members of a condominium association as tenants-in-common.
- (38)(40) Community center. A building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, educational or cultural activities.
- (39)(41) Collocation. The use of a wireless telecommunications facility by more than one wireless telecommunications provider or by one provider for more than one type of telecommunication technology.
- (40)(42) Commercial Recreation, indoor. A facility primarily used for the indoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. This term includes, but is not limited to, an indoor driving range, volleyball court, bowling alley, ice or roller skating rink, billiard hall, video game center, archery or shooting range, soccer field or basketball court. This term does not include a health club.
- (41)(43) Commercial Recreation, outdoor. A facility primarily used for the outdoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. Such a facility may include one or more structures.

This term includes, but is not limited to, a golf or mini-golf course/facility, tennis, basketball or volleyball court, soccer, baseball or football field, or amusement or water park. This term does not include a sports facility, health club, or private golf/swim/tennis club.

- (42)(44) Community Recreation Facility. A recreation facility operated by a homeowners association or other non-profit organization and open only to bona fide members and guests of such non-profit organization.
- (43)(45) Compliance, Certificate of. An official statement asserting that a given building, other structure or parcel of land is in compliance with the provisions of all existing codes, or is a lawfully existing nonconforming building or use and, hence, may be occupied and used lawfully for the purposes designated thereon.
- (44)(46) Comprehensive Plan. The current, adopted long-range plan intended to guide the growth and development of the City, based on study and analysis of the City's existing conditions, including population and housing, historic and natural features, general land use patterns and zoning regulations, and other development considerations.
- (45)(47) Conference center. A commercial facility used for trade shows, assemblies or meetings, including exhibition space. This term does not include banquet halls, clubs, lodges or other meeting facilities of private or nonprofit groups that are primarily used by group members.
- (46)(48) Congregate care facility. A residential facility that provides for the needs of individuals who are elderly or handicapped. The facility shall consist of residential dwelling units or rooms designed specifically for the elderly or handicapped, and may have common social, recreational, dining and/or food preparation facilities. The facility may be for independent living and/or may provide the residents with a range of personal and medical assistance including nursing care.
- (47)(49) Contour. An imaginary line connecting all points with the same elevation above or below a fixed base point whose elevation is known.
- (48)(50) Conversions. Any modification or change to an existing dwelling which is intended to or actually does increase the number of dwelling or rooming units.
- (49)(51) County. Wayne County, Ohio.
- (50)(52) Crematorium. A facility that burns human dead to ashes.
- (51)(53) Cultural institution. An institution that displays or preserves objects of interest to the arts or sciences. This term includes, but is not limited to, a museum, art gallery, aquarium or planetarium.
- (54) ***Custom print shop. A retail service establishment whose principal activity is the custom or personalize printing for individuals. Items with personalized print include clothing, temporary signs, or other similar item that may be personalized in a limited production quantity. This definition shall not include large scale printing facilities of such items.***
- (52)(55) Day care center. An establishment in which the operator is provided with compensation in return for providing individuals with care for less than ***twenty-four (24)*** hours at a time. This term includes, but is not limited to, a day nursery, nursery school, pre-school, adult day care center, or other

supplemental care facility. This term does not include a family day care home. (See the definition of family day care home below.)

- A. Adult day care center. An adult day care center shall not include a convalescent home, hospital or any other full-time care facility.
- B. Child day care center. Any place that provides day care or publicly funded day care to *thirteen (13)* or more children at one time; or any place that is not the residence of the licensee or administrator where child day care is provided to *seven (7)* to *twelve (12)* children at one time.

(56) **Dead storage area.** *An area in the interior of a building utilized for the storage of furniture, files, or other unused or seldom used items for an indefinite period of time. This definition shall not be used to apply to areas used for warehousing of goods or materials which are regularly accessed by the subject establishment.*

(57) **Deck.** *A roofless, above grade platform which directly abuts the wall of a building.*

(53)(58) **Density.** The number of dwelling units permitted per acre of land.

- A. **Density, Ggross.** Gross density means the number of dwelling units permitted per acre of total land area.
- B. **Density, Nnet.** Net density means the number of dwelling units permitted per acre of land when the acreage involved includes only the land devoted to residential uses and excluding land dedicated to public thoroughfares or other unbuildable land areas.

(54)(59) **Developer.** Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this Planning and Zoning Code to effect a development of land hereunder for himself or for another.

(55)(60) **Development.** Any building, construction, renovation, mining, extraction, grading, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwellings units in a structure or a change to a commercial or industrial use from a less intense use.

(56)(61) **Diameter-at-breast-height (DBH).** The diameter of a tree trunk measured in inches at a height of *four and one-half (4<sup>1/2</sup>)* 4.5 feet above ground. If a tree splits into multiple trunks below *four and one-half (4<sup>1/2</sup>)* 4.5 feet, the trunk is measured at its most narrow point below the split.

(62) **Dog day care/grooming facility.** *A facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming or behavioral counseling provided such dogs are not kept or boarded overnight, bred, sold or let for hire.*

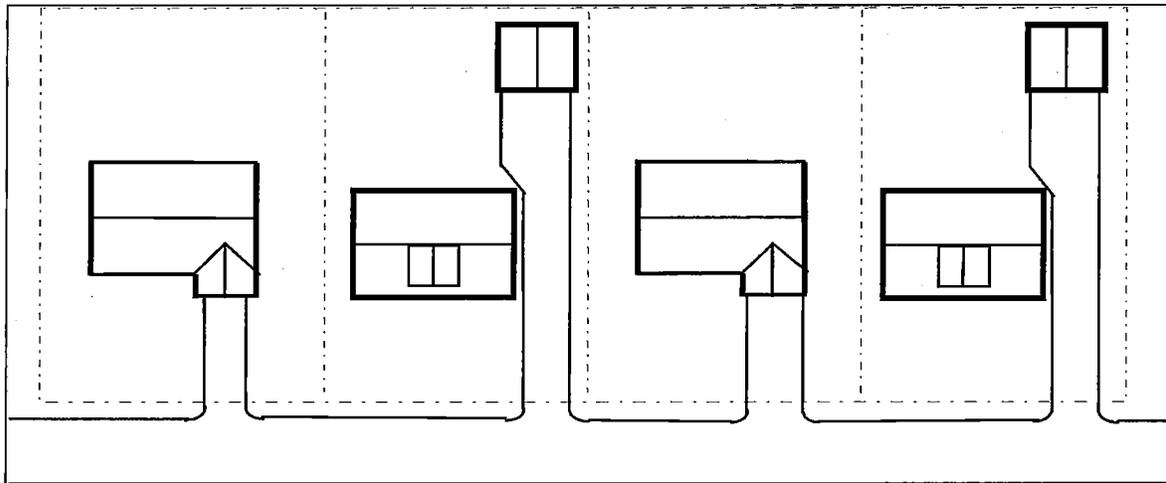
(57)(63) **Dormitory.** A building used as living quarters for a student body or religious order and which is related to and/or intended to associate with a college, university, boarding school, orphanage, religious facility, or similar institution.

(58)(64) **Drive-thru facility.** Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located

in a motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include Car Wash, Gasoline Station, and Automobile Service Station.

- (59)(65) Driveway. A private access way used by vehicles and pedestrians for access to a parking space, garage, dwelling, or other structure.
- (60)(66) Dwelling. Any building or portion thereof, containing one or more dwelling units designed for or occupied exclusively for residential purposes, including single-family, two-family and multi-family dwellings as defined herein.
- (61)(67) Dwelling, attached single-family. Dwelling units that are structurally attached to one another, side by side, and erected as one building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides, and including such elements as separate ground floor entrances, services and attached garages.
- (62)(68) Dwelling, cluster single-family detached. A dwelling unit which is designed and used exclusively by one family and separated from all other dwelling units by open space from ground to sky, which is grouped with other dwelling units on a site in an arrangement. The cluster dwelling does not need to be located on its own subdivided lot, but shall comply with the requirements for planned developments.
- (63)(69) Dwelling, detached single-family. A dwelling unit designed and used for one (1) family situated on a lot having a front, side and rear yard and separated from all other dwelling units by open space from ground to sky.  
See also Figure 1.

**Figure 1.**  
**Detached Single-Family Dwellings**



- (64)(70) Dwelling, multi-family. A dwelling designed for three (3) or more dwelling units, occupied by three (3) or more families living independently of each other where the units are separated by party walls with varying arrangements of entrances, and which does not meet the definition of attached single-family

dwelling units. This term includes the conversion of non-residential buildings to residential use.

- ~~(65)~~(71) Dwelling, recreational. A structure or shelter which is designed not for use as a permanent residential dwelling, but as temporary living quarters for recreational, camping, or seasonal use. Recreational dwellings shall require a building permit in accordance with the building regulations of the City or the State.
- ~~(66)~~(72) Dwelling, two-family. A dwelling, having the exterior appearance of a single-family house, designed for or converted to contain two (2) dwelling units, occupied by two (2) families living independently of each other.
- ~~(67)~~(73) Dwelling unit. One or more rooms comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one (1) family.
- ~~(68)~~(74) Easement. A right granted by the owner of land to other parties to use such land for a specific purpose, such as public utility lines or for access to other properties.
- (75) Emission. *That which is sent out, released, discharged, issued, or put in circulation at one time.*
- ~~(69)~~(76) Equipment sales/rental/service. Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar equipment, and the rental of recreational and commercial motor vehicles. This term includes incidental storage, maintenance, and servicing of such equipment.
- ~~(70)~~(77) Façade. That portion of any exterior elevation on the building extending from grade to the top of the parapet, wall, or eaves and the entire width of the building elevation.
- ~~(71)~~(78) Factory-built housing. Factory-built housing consists of three types of dwelling units: mobile homes, manufactured homes, and modular homes.
- A. Mobile home. A residential dwelling, designed to be a permanent residence, that was fabricated in an off-site manufacturing facility prior to enactment of the Federal Manufactured Home Safety and Construction Standards.
- B. Manufactured home. A residential dwelling built in an off-site manufacturing facility in accordance with the Federal Manufactured Home Safety and Construction Standards.
- C. Modular home. A residential dwelling built in an off-site manufacturing facility in accordance with the Ohio Board of Building Standards. Also commonly referred to as a systems-built home, prefabricated home or panelized home.
- ~~(72)~~(79) Family. "Family" means an individual or two or more persons, each related to the other by blood, marriage, or adoption, or foster children as defined in Section 1103.02 (b) (86) and not more than two additional persons not related as set forth above, all living together as a single housekeeping unit and using common kitchen facilities.
- ~~(73)~~(80) Family day care home. A residence certified and licensed by the State of Ohio to provide childcare.

- A. Type A. A permanent residence of the day care provider in which child day care or publicly funded day care is provided for *seven (7)* to *twelve (12)* children at one time; or, a permanent residence of the day care provider in which child day care is provided for *four (4)* to *twelve (12)* children at one time if *four (4)* or more of these children are under two *(2)* years of age.
- B. Type B. A permanent residence of the day care provider in which child day care is provided for *one (1)* to *six (6)* children at one time. No more than *three (3)* of these children shall be under two years of age at one time.

(74)(81) Federal Emergency Management Agency (FEMA). The agency with the overall responsibility for administering the National Flood Insurance Program.

(75)(82) Feedlot. The feeding of livestock, poultry, or small animals usually in lots, pens, ponds, sheds, or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means.

(76)(83) Fence. Any structure composed of wood, steel or other material erected in such a manner and positioned to enclose or partially enclose any premises or part of any premises. Hedges, trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position to enclose any premises or part of any premises shall be included within the definition of the word "fence". Structures erected other than on lot lines or in close proximity to lot lines, which have solely an ornamental purpose and which do not serve the purpose of enclosing or partially enclosing premises or of separating premises from adjoining premises, shall not be included within the definition of the word "fence". For the purposes of this Planning and Zoning Code, a fence erected upon a graded earth mound shall be measured from the average site grade, prior to the addition of the mound, to the tallest element of the fence. Specific types of fences include:

- A. Barbed wire. "Barbed wire fence" means a fence made with metal wire having sharp points, razors, or barbs along its length.
- B. Chain link. "Chain link fence" means a fence made of vinyl-clad metal loops interconnected in a series of joined links.
- C. Electrified. "Electrified fence" means all fences or structures, included or attached to any device or object which emits or produces an electrical charge, impulse or shock when the same comes into contact with any other object, person or animal or which causes or may cause burns to any person or animal.
- D. Open ornamental. "Open ornamental fence" means a fence constructed for its beauty or decorative effect and when viewed at a right angle, has not less than seventy-five *(75)* percent *(75%)* of the area of its vertical plane, the area within a rectangular outline enclosing all parts of the fence in its plane, open to light and air. Ornamental fences include:

1. "Rail fence" or "split-rail fence" means a fence constructed of narrow, whole or split, wooden timbers placed horizontally between upright supporting posts; and,
2. Wrought iron fences, decorative steel fences, and aluminum fences.

E. Privacy. "Privacy fence" means a fence made to inhibit public view and provide seclusion and when viewed at right angles, has less than twenty-five **(25)** percent ~~(25%)~~ of the area of its vertical plane open to light and air. Privacy fences include:

1. "Basket weave fence" or "woven fence" which means a fence made of interwoven strips or slats of flexible or semi-flexible material in which the pattern has the appearance of a plaited basket.
2. "Louver fence" or "ventilating fence" which means a fence made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its vertical plane.
3. "Board on board fence" or "picket fence."
4. "Stockade fence" or "palisade fence" means a fence constructed with a row of stakes, pales or pickets placed upright against each other and having at least fifty percent (50%) of the area of its vertical plane closed to light and air.

~~(77)~~**(84)**

Financial institution. See bank.

~~(78)~~**(85)**

Flag. Any fabric, banner or bunting used as a symbol of government, political subdivision, corporate or commercial entity, or institution, or used to convey any message, or otherwise used in a manner consistent with the definition of a sign.

~~(79)~~**(86)**

Fleet vehicles. Trucks, vans, and other vehicles, including motorized equipment, which are used as part of the operation of a principal use, but not including privately owned customer or employee vehicles.

~~(80)~~**(87)**

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters, or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

~~(81)~~**(88)**

Flood Insurance Rate Map (FIRM). An official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

~~(82)~~**(89)**

Flood insurance study. The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

~~(83)~~**(90)**

Floor area, gross. The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls of a building or from the center line of a common wall separating two (2) or more units of a building, including accessory storage areas located within selling or working space, but not including space in cellars or basements, space in

machinery penthouses or floor space used for accessory off-street parking. However, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.

(84)(91) Floor area, net. The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

(85)(92) Footcandle. A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one candle.

A. Footcandle – Horizontal. The measurement of footcandles utilizing a direct reading, portable light meter mounted in the horizontal position.

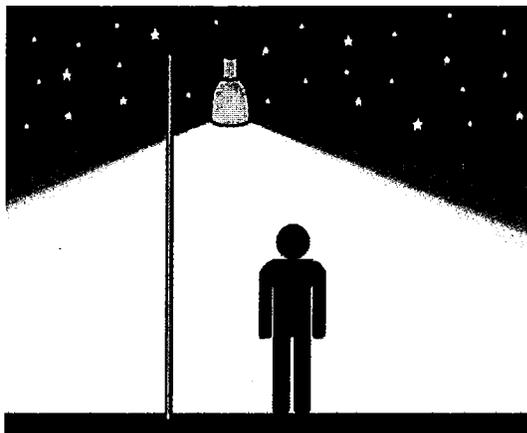
B. Footcandle – Vertical. The measurement of footcandles utilizing a direct reading, portable light meter mounted in the vertical position

(86)(93) Foster child. “Foster child” means a person under eighteen (18) years of age who is placed in a dwelling units by an institution or agency, licensed or approved by an appropriate State-regulating agency to place foster children.

(87)(94) Freestanding drive-thru facility. A facility whose only use is transacting business with customers located in a motor vehicle during such business transaction.

(88)(95) Full-shielded or full cut-off type fixture. An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.

**Figure 2**  
**Full cut-off lighting**



*Full cut-off lighting  
directs light down and to  
the sides as needed.*

University of Texas, Austin

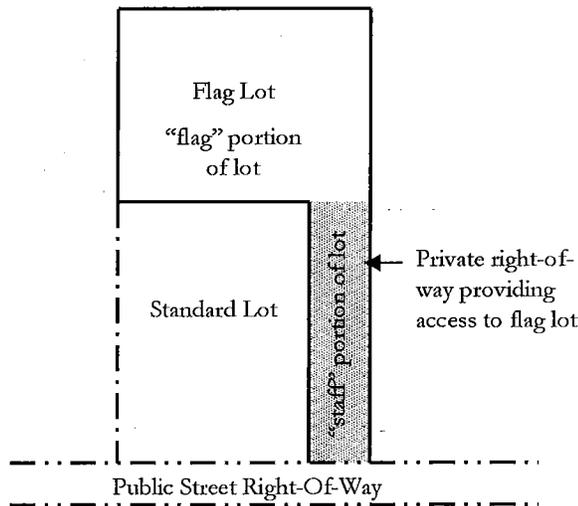
(89)(96) Funeral home. A building or part thereof used for human funeral services. Where a funeral home is permitted, a funeral chapel shall also be permitted. Such building may contain space and facilities for:

- A. Embalming and the performance of other services used in preparation of the dead for burial;
  - B. The performance of autopsies and other surgical procedures;
  - C. The storage of caskets, funeral urns, and other related funeral supplies;
  - D. The storage of funeral vehicles; and,
  - E. May include facilities for cremation.
- (90)(97) Garage. A building, or part thereof, used or intended to be used for the parking and storage of vehicles.
- (98) ***Garage or yard sale. A general sale open to the public, conducted from residential home or on any portion of the lot thereof, for the purpose of selling personal property.***
- (91)(99) Gasoline station. (See also Automobile Service Station): An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by an attendant or by persons other than the station attendant and may include accessory facilities available for the sale of other retail products.
- (92)(100) Glare. Direct light that causes annoyance, discomfort or loss in visual performance and visibility.
- (93)(101) Health club. An establishment for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms, where use of such establishment is offered on a membership basis.
- (94)(102) Health services. See Office, medical/dental.
- (95)(103) Historic district. A geographically definable area possessing a significant concentration, Linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.
- (96)(104) Home occupation. Any use or profession conducted entirely within a dwelling and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change its character
- (97)(105) Homeowners' association. A community association that is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, private roads, or other such facilities.
- (98)(106) Hospital. A facility which provides accommodations and continuous services for the sick and injured which may include pediatrics, obstetrical, medical, surgical, psychiatric or extended care.
- (99)(107) Hotel/motel. A building or portion thereof, or a group of buildings, which provides sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court or otherwise. This definition shall not include emergency or transitional housing.
- (100)(108) Household. A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

- ~~(101)~~**(109)** Improvements. The term means street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.
- ~~(102)~~**(110)** Illuminance. The quantity of light arriving at a surface divided by the area of that surface. Measured in footcandles.
- ~~(103)~~**(111)** Itinerant Vendor. Any person who engages in, does, or transacts any temporary or transient business in the City of Wooster. ~~and who, for the purpose of carrying on such business, occupies any location for a period of less than forty five (45) days.~~
- (112)** Kennel. *Any place where domesticated animals, owned by another person, are temporarily housed or boarded for pay, trade, barter, commission, or remuneration of any sort; provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the law.*
- (113)** Landmark. *A property, an individual structure or group of structures on a lot, a site, an area, or combination thereof, designated as a landmark by ordinance, of particular importance because of its unique architectural, historical, cultural, or archeological significance.*
- ~~(104)~~**(114)** Landscaped area. An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material.
- ~~(105)~~**(115)** Lattice tower. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.
- ~~(106)~~**(116)** Library. A facility in which literary, musical, artistic or reference materials, such as, but not limited to, books, manuscripts, computers, recordings or films are kept for use or loaning to patrons of the facility, but are not normally offered for sale.
- ~~(107)~~**(117)** Light pollution. Any measurable exterior artificial illumination that strays beyond a property line both horizontally at grade and vertically to the building height limitation.
- ~~(108)~~**(118)** Light trespass. Light in sufficient quantity that crosses over property boundaries, impacts surfaces, and produces a negative response in persons owning or using the violated space.
- ~~(109)~~**(119)** Light uniformity ratios. The uniformity ratio is expressed as either the maximum or average illuminance divided by the minimum illuminance. For example, if the average to minimum ratio is ~~3:1~~ **three (3) to one (1)** and an average illuminance of **six (6)** footcandles is desired, the minimum illuminance at any one point must be **two (2)** footcandles.
- ~~(110)~~**(120)** Loading space, off-street. An area located completely outside of any public right-of-way and on the same lot with a building or contiguous to a group of buildings, for the temporary parking of vehicles entering the premises for loading or unloading merchandise or materials.
- ~~(111)~~**(121)** Lot coverage. That portion of a lot, which when viewed directly above, which would be covered by a building or structure, parking and loading areas and other surfaces that are impermeable or substantially impervious to water.

- (112)(122) Lot, flag. A lot so shaped and designed that the main building site area is set back from the public street on which it fronts and access to the public street right-of-way is by a narrow private right-of-way also referred to as the "staff". See Figure 3 below.

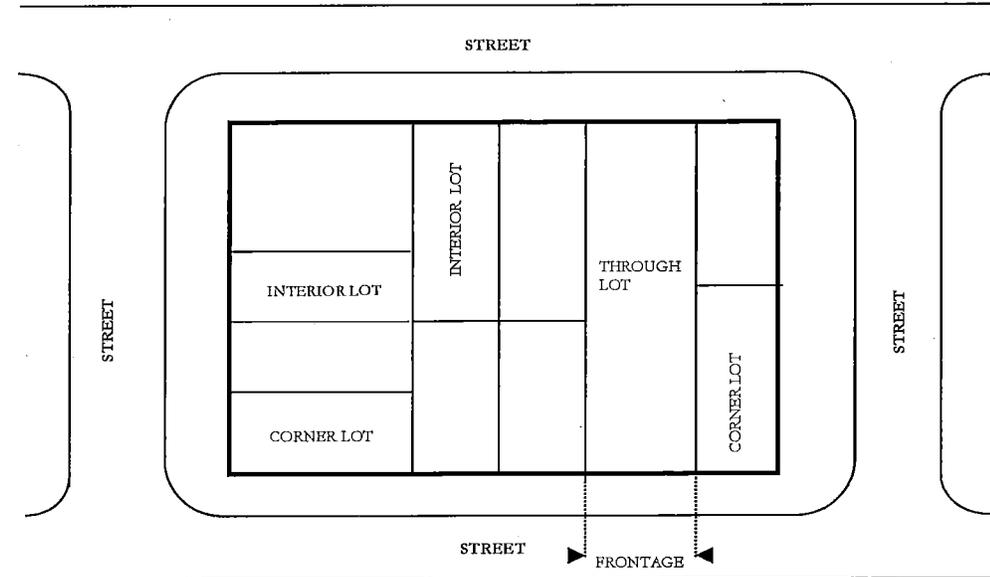
**Figure 3  
Illustration of Flag Lot**



- (113)(123) Lot frontage. That portion of the lot extending along the street right-of-way.
- (114)(124) Lot line. The boundary line defining the limits of the lot. Lot line is synonymous with "property line."
- A. Lot line, front. The line separating an interior lot from the street right-of-way on which the lot fronts. On a corner lot, the street right-of-way with the least amount of street frontage shall be the front lot line.
- B. Lot line, rear. The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line *ten* (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
- C. Lot line, side. Any lot line other than a front or rear lot line.
- (115)(125) Lot of record. A lot which is part of a subdivision, the part of which has been recorded in the office of the Recorder of Deeds of Wayne County, or a parcel of land the deed to which was recorded, prior to adoption of this Planning and Zoning Code.
- (116)(126) Lot size. The total horizontal area contained within the lot lines exclusive of any portion of the right-of-way of any public street.
- (117)(127) Lot types. Terminology used in this Planning and Zoning Code with reference to corner lots, interior lots and through lots is as follows. See also Figure 3 for an illustration of lot types.
- A. Lot, corner. A lot which adjoins the point of intersection or meeting of two (2) or more streets and in which the interior angle formed by the street lines is *one hundred thirty-five* (135) degrees or less.
- B. Lot, interior. A lot abutting or with frontage on only one street.

- C. Lot, through. A lot having frontage on *two (2)* parallel or approximately parallel streets.

**Figure 4 - Illustration of Lot Types**



- (118)(128) Lot width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front setback line.
- (119)(129) Lot, zoning. A parcel of land not separated by street or alley that is designated by its owner or developer at the time of applying for a zoning certificate, as a tract all of which is to be used, developed, or built upon as a unit under single ownership. As long as it satisfies the above requirements, such lot may consist of:
- A. A single lot of record, or;
  - B. A portion of lot of record, or;
  - C. A combination of complete lots and portions of lots of record, or portions of lots of record.
- (120)(130) Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
- (121)(131) Major tree. A living tree with a diameter at breast height (DBH) measurement of at least six (6) inches.
- (122)(132) Manufactured home. See factory-built housing.
- (123)(133) Manufactured home community. A residential development in which all land is under single ownership and home sites within the community are leased to individual homeowners, who retain customary leasehold rights. Also known as a land-lease community.
- (134) Manufacturing. *The mechanical or chemical transformation of materials or substances into new products; the fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof.*

- (124)(135) Medical/dental/health services clinic. An establishment where human patients are examined and treated by a group of dentists, physicians or similar medical professionals. Clinics provide outpatient service only. This term does not include a medical office or hospital.
- (125)(136) Membership clubs. An incorporated or unincorporated association of persons organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.
- (137) Microbrewery, microdistillery or microwinery. *An establishment with a primarily use as a table service restaurant where beer, liquor, wine, or other alcoholic beverage is manufactured on the premises in a limited quantity subordinate to the primary table service restaurant use. The gross floor area utilized in a microbrewery, microdistillery or microwinery for the production of beer, liquor, wine, or other alcoholic beverage shall be no greater than the gross floor area utilized for the associated table service restaurant. A microbrewery, microdistillery or microwinery may include some off-site distribution of its alcoholic beverages consistent with state law. A tasting room or taproom may exist in a microbrewery, microdistillery or microwinery where patrons may sample the manufacturer's products.*
- (126)(138) Mobile home. See factory-built housing.
- (127)(139) Modular home. See factory-built housing.
- (128)(140) Monopole. A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- (129)(141) Motor vehicle body shop. An establishment providing the repair or rebuilding of motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.
- (130)(142) Motor vehicle, operable. An operable motor vehicle is a motor vehicle whose engine can be started and the vehicle can be driven under its own power at least *one hundred (100)* yards immediately upon request, or within *twenty-four (24)* hours of the initial request, and which does not have disabling damage.
- (131)(143) Motor vehicle rental. An establishment where contracts are prepared or reservations accepted for the rental or leasing of motor vehicles. This term includes outdoor storage of vehicles, but does not include on-premise maintenance of vehicles or a tool/equipment rental facility.
- (132)(144) Motor vehicle sales. An establishment providing wholesale and retail sale of motor vehicles, including incidental storage and maintenance.
- (133)(145) Non-conformity. A lot, use of land, building, site conditions, use of buildings, or use of buildings and land in combination lawfully existing at the time of enactment of this Planning and Zoning Code or its amendments, which do not conform to the current regulations of the district or zone in which it is situated or other regulations in this Planning and Zoning Code.
- A. Non-conforming building. A building existing lawfully when this Planning and Zoning Code, or any amendment thereto, became effective, but which does not conform to the current regulations governing buildings and structures of the district in which it is located.

- B. Non-conforming lot. A lot lawfully existing on the effective date of this Planning and Zoning Code or any amendment thereto, which on such effective date, does not conform to the current lot area, width or frontage requirements of the district in which it is located.
  - C. Non-conforming site condition. A site improvement that was legally established, but no longer conforms with the regulations in the Planning and Zoning Code.
  - D. Non-conforming use. Any building or land lawfully occupied by a use on the effective date of this Planning and Zoning Code or any amendment thereto, which does not conform to the current use regulations of the district in which it is situated.
- (134)(146) Nursing home. An establishment providing full-time nursing and medical care to three (3) or more people, not related by blood or marriage, who, by reason of chronic illness, are unable to care for themselves. Hospitals and sanitariums shall not be included in this definition.
- (135)(147) Occupant. A person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence, if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence.
- (136)(148) Office, administrative/business/professional. An establishment within which specific services are conducted with other businesses, individuals, organizations or corporate customers, generally on a contractual basis, and not involving the retail sales of merchandise on the premises for walk-in traffic from the street.
- (137)(149) Office, medical/dental. Facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which do not provide overnight care or serve as a base for an ambulance service. Medical/dental facilities are operated by doctors, dentists, or similar practitioners licensed by the State of Ohio. Emergency treatment is not the dominant type of care provided at this facility. Health services includes establishments providing support to medical professionals and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services.
- (138)(150) Official thoroughfare plan. The official thoroughfare plan for the City of Wooster establishing the official right-of-way width of major streets, on file in the office of the Division of Planning and Zoning, together with all amendments thereto subsequently adopted.
- (139)(151) Open Space. See Restricted open space.
- (140)(152) Outdoor display/sales. Merchandise placed in an outdoor area that is open to the general public, when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.
- (141)(153) Outdoor storage. The storage of goods, materials, merchandise or vehicles in an area outside of a building or structure in the same place for more than

- twenty-four (24) hours, except for merchandise placed in an area for outdoor display.*
- (142)(154) Park. A tract of land, designated and used by the public, for active and/or passive recreation.
- (143)(155) Parking lot. An outdoor paved area made up of marked parking spaces and associated access drives where motor vehicles may be stored for the purpose of temporary off-street parking. Also known as a parking area.
- (156) Parking lot, private. *A parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located for their customers, employees, or whomever else they permit to use the parking area.*
- (157) Parking lot, public. *A parking area, excluding a street or other public way, used for the parking of automobiles and available to the public, which may or may not include compensation for such parking.*
- (144)(158) Parking space, off-street. An open or enclosed area, defined by painted lines, raised curbs or a combination thereof, outside the public street right-of-way that is used for the parking or temporary storage of registered and licensed motor vehicles
- (145)(159) Parking structure. A building or structure consisting of more than one (1) level and used to store motor vehicles.
- (146)(160) Performance guarantee. A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.
- (147)(161) Performance standard. A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings.
- (148)(162) Place of Worship. See Church.
- (149)(163) Plan, development. A plan prepared to scale accurately showing, with complete dimensions, the boundaries of the site, the location of buildings; landscaping; parking areas; access drives; signs; outdoor storage areas; and any other features that comprise a proposed development
- A. General Development Plan: Drawings and maps including all the elements set forth in Section 1115.10.
- B. Final Development Plan: Drawings and maps including all the elements set forth in Section 1115.11.
- (150)(164) Plan, plot. A plan of a lot, drawn to scale, showing the actual measurements, the size and location of any existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other such information.
- (151)(165) Plan, preliminary subdivision. A drawing for the purpose of study of a major subdivision and which, if approved, permits proceeding with the preparation of the final plat.
- (152)(166) Plant nursery/greenhouse. An establishment engaged in growing crops of any kind within or under a greenhouse, cold frame, cloth house or lath house, or growing nursery stock, annual or perennial flowers, vegetables or other garden or landscaping plants. This term does not include a garden supply or landscaping center.

- (153)(167) Plat. A map of a lot, tract or subdivision on which the lines of each element are shown by accurate distances and bearings. In the case of minor subdivisions, the plat which, if approved, will be submitted to the Recorder of Wayne County.
- (154)(168) Plat, Final. The final map, drawing or chart on which the subdivider's plan is submitted to the Planning Commission for approval, and which, if approved, will be submitted to the Recorder of Wayne County.
- (155)(169) Playground. An active recreational area with a variety of facilities including equipment for younger children as well as court games.
- (156)(170) Porch. ~~A roofed open structure that projects from the front, side or rear wall of a building. For the purposes of this Planning and Zoning Code, an enclosed porch shall be considered part of the principal building.~~ ***A roofed structure, which may be screened, which is attached to a building, is open on at least two or more sides and has direct access to or from a building.***
- (171) ***Printing and publishing. An establishment engaged in the printing and/or publishing of newspapers, books, periodicals, magazines as well as record pressing and publishing; establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving, and electrotyping; establishments manufacturing business forms and binding devices. This definition shall not include "quick printing" services or desktop publishing.***
- (157)(172) Project boundary. The boundary defining the tract(s) of land that is included in a proposed development to meet the minimum required project area for a planned development or multi-family development. The term "project boundary" shall also mean "development boundary".  
(Ord. 2006-49. Passed 5-21-07.)
- (158)(173) Public hearing. An official meeting called by the City Council, the Planning Commission, or the Board of Building and Zoning Appeals, duly noticed, which is intended to inform and obtain public comment or testimony, prior to the governing body rendering a decision.  
(Ord. 2009-27. Passed 10-19-09.)
- (159)(174) Public safety facility. A municipal, government facility for public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities.
- (175) ***Public transportation terminal. A building where the transfer of people between modes of transportation takes place.***
- (160)(176) Recessed ceiling fixture. An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.
- (161)(177) Recreation vehicle/equipment. A vehicular-type portable structure without a permanent foundation that can be towed, hauled, or driven and primarily designed, by the manufacturer, as temporary living accommodation for recreational, camping, and travel use. For the purposes of this Code, recreational vehicle/equipment shall include a recreational vehicle, boat, boat trailer, pick-up truck camper, snow mobile, folding tent trailer, or other camping and recreational equipment as determined by the Zoning Administrator, and any trailer that may be used to convey such a vehicle or equipment.

- (162)(178) Religious assembly. See church.
- (163)(179) Residential facility. A facility licensed by the Ohio Department of Mental Health that provides room, board, personal care, supervision, habilitation services and mental health services, in a family setting, to one or more persons with mental illness or severe mental disabilities. There are three size categories of residential facilities:
- A. Family home. A residential facility that provides the services listed above for six (6) to eight (8) mentally retarded or developmentally disabled persons.
  - B. Foster family home. A residential facility that provides the services listed above for five (5) or fewer mentally retarded or developmentally disabled persons.
  - C. Group home. A residential facility that provides the services listed above for nine (9) to sixteen (16) mentally retarded or developmentally disabled persons.
- (180) ***Restaurant, carry-out. A retail service establishment whose principal business is the sale of foods or beverages to customers from a counter and/or drive thru for consumption exclusively off the premises.***
- (181) ***Restaurant, counter service. A retail service establishment where foods or beverages are ordered at a counter or drive thru and where the customer generally pays before consuming the food or beverage on or off the premises.***
- (164)(182) Restaurant, indoor dining. An establishment where food and drink are prepared, served, and consumed within the principal building.
- (165)(183) Restaurant, outdoor dining. An establishment where food and drink are prepared inside the establishment and consumed outside the principal building in an area adjacent to the principal building.
- (184) ***Restaurant, table service. A retail service establishment wherein the entire, or a substantial portion of, the business activity consists of the sale of food and beverages served to patrons seated at tables for consumption on the premises.***
- (166)(185) Restricted open space. The portion of the open space in a Cluster Residential Development or a Planned Development that is of sufficient size and shape to meet the minimum zoning requirements, and on which further development is restricted.
- (167)(186) Retail establishment. An establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such products. Such an establishment is open to the general public during regular business hours and has display areas that are designed and laid out to attract the general public. In determining a use to be a retail use, the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows may be considered. This term does not include any adult entertainment uses.
- (168)(187) Right-of-way. A strip of land or the air space above it taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips,

sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges and the air space above the surface.

- (169)(188) Right-of-way line. The line between a lot, tract, or parcel of land and a contiguous public street, and demarcating the public right-of-way. "Right-of-way line" also means "street line."
- (170)(189) School (public/private) college/university. An educational institution authorized by the State of Ohio to award associates or higher degrees.
- (171)(190) School (public/private) elementary/secondary. Publicly or privately owned facilities providing full-time day instruction and training at the elementary, junior high and high school levels in accordance with the requirements of Chapter 3313 of the Ohio Revised Code, or facilities providing kindergarten or nursery school training and care whose annual sessions do not exceed the school sessions for full-time day schools and which are operated by a board of education or an established religious organization.
- (172)(191) School, specialty/personal instruction. A facility primarily teaching usable skills that prepare students for jobs within a specific trade or a facility providing instruction on social and religious customs and activities, performing arts and/or sports. Such facilities may include beauty schools, dance instruction centers, cooking schools and martial arts studios. This term does not include health club.
- (173)(192) Scientific research, development, training and testing facility. A building or group of buildings used for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- (174)(193) Seasonal market. A temporary facility used to conduct retail trade for a period not exceeding *ninety (90)* days in a calendar year.
- (175)(194) Self-storage facility, indoor. Self-service storage facility or mini-warehouse means a facility consisting of a building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' residential goods or wares.
- (176)(195) Service establishment, business. An establishment providing services to business establishments on a fee or contract basis, including, but not limited to, advertising and mailing services, employment services, business equipment and furniture sales or rental, photocopy services, protective services, or similar services.
- (177)(196) Service establishment, personal. An establishment providing services that are of a recurring and personal nature to individuals. This term includes, but is not limited to, a barber shop, beauty salon, shoe repair shop, seamstress, tailor, fortune teller, tanning salon, massage establishment, body piercing establishment or tattoo establishment. This term does not include a portrait studio, dry cleaning establishment, laundromat, photocopy center, health club or repair shop for household items.
- (178)(197) Setback. Setback means the required minimum horizontal distance between a lot line or the proposed thoroughfare line shown on the Official Thoroughfare

Plan, whichever is more restrictive and a building, surface parking lot or structure as established by this Planning and Zoning Code.

- (179)(198) Setback Line. A line established by this Planning and Zoning Code generally parallel with and measured from the lot line or the proposed thoroughfare line shown on the Official Thoroughfare Plan whichever is more restrictive, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from the said lot or thoroughfare line, except as may be provided in this Planning and Zoning Code.
- (180)(199) Shade tree. A tree with foliage that usually sheds annually and is planted primarily for its high crown of foliage or overhead canopy.
- (181)(200) Shrub. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.
- (182)(201) Sign. Any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure in order to direct or attract attention to, or announce or promote, an object, product, place, activity, person, ideology, institution, organization, business or the like, by means of letters, words, models, banners, flags, pennants, insignia, devices, designs, colors, symbols, fixtures, images, illuminations or representations used as, or which is in the nature of, an announcement, direction, advertisement or other message.
- (183)(202) Sign, abandoned. Any sign that no longer identifies or advertises a bona fide business, institution, organization, lessor, service, owner, product, or activity and/or for which no legal owner can be found.
- (184)(203) Sign, address. Any building sign or freestanding sign of no more than two (2) square feet indicating only the street number of the building or use.
- (185)(204) Sign, animated. Any sign that uses flashing lights or movement of the entire sign or portion thereof to depict action or create a special effect or scene.
- (186)(205) Sign, awning or canopy. Any building sign that is painted on, or otherwise attached to, an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window.
- (187)(206) Sign, banner. Any sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one or more edges.
- (188)(207) Sign, billboard or off-premise sign. Any permanent sign structure advertising an establishment, merchandise, event, service, or entertainment that is not sold, produced, manufactured or furnished at the property on which the sign is located.
- (189)(208) Sign, building. Any sign attached to any part of a building including wall, awning, canopy and projecting signs.
- (190)(209) Sign, changeable copy. Any portion of a sign with letters, characters or graphics that are not permanently affixed to the structure, framing or background, allowing the letters, characters or graphics to be periodically modified, manually, mechanically or electronically, such as a bulletin board or electronic message center. Changeable copy signs shall not be used to display commercial messages relating to products or services that are not offered on the premises.

- (191)(210) Sign, construction. Any temporary sign relating to a project or facility, or relating to its construction, during the time of its construction. Such signs typically include the name of an architect, engineer and/or contractor for a building.
- (192)(211) Sign, entrance or exit. Any sign situated so as to promote safe traffic circulation by indicating appropriate places of ingress and egress.
- (193)(212) Sign face. The space or surface of a sign intended to contain the message.
- (194)(213) Sign, flashing. Any sign that contains an intermittent or sequential flashing light source used primarily to attract attention.
- (195)(214) Sign, freestanding. Any sign supported from the ground and not attached to any building. A freestanding sign may be supported by a single pole, two poles, a pylon or a solid base.
- (196)(215) Sign, illuminated. Any sign incorporating an internal or external artificial light source for the purpose of illuminating the message of the sign.
- (197)(216) Sign, inflatable. Any inflatable shape or figure designed or used to attract attention to a business location or event. Inflatable promotional devices shall be considered to be temporary signs under the terms of this Section and subject to the regulations thereof.
- (198)(217) Sign, instructional. Any sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers or users as to matters of public safety or necessity such as specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, and including signage erected by a public authority, utility, public service organization, or private industry that is intended to control traffic circulation, direct or inform the public, or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy.
- (199)(218) Sign, marquee. Any sign, other than a projecting sign or an awning/canopy sign, attached to a structure and projecting from a building wall above an entrance and extending over a street, sidewalk, or part thereof.
- (200)(219) Sign, permanent. Any sign that is not temporary sign.
- (201)(220) Sign, portable. Any sign that is designed to be transported on wheels, skids, a bench, runners, brackets or has a frame to which wheels, skids, runners, brackets or similar mechanical devices are or can be attached. A portable sign also includes mobile signs such as parked vehicles or trailers, when such vehicles are visible from the public right-of-way unless such vehicle is regularly used in the normal daily operations of the attendant business, organization or institution.
- (202)(221) Sign, projecting. Any sign that is attached to a building wall and that extends away from (i.e., is not parallel to) the building wall or any sign suspended beneath a canopy, ceiling, roof, or marquee, intended to be viewed by pedestrians from the sidewalk beneath the canopy, ceiling, roof, or marquee.
- (203)(222) Sign, roof. Any sign, or portion thereof, erected, constructed or projecting upon or over the roof or parapet wall of any building whether the principal support for the sign is on the roof, wall or any other structural element of the building.

- (204)(223) Sign, temporary. Any sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, structure, or permanently installed in the ground. Temporary signs may be displayed as window signs.
- (205)(224) Sign, wall. A building sign that is painted on, or attached to, a building wall, with the exposed sign face in a plane parallel to the plane of the wall, that does not extend more than twelve (12) inches there from, and that does not project above the roofline or beyond the corner of the building.
- (206)(225) Sign, window. Any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building. This term does not include signs that are not legible from a distance of more than three (3) feet beyond the building on which such sign is located.
- (207)(226) Single housekeeping unit. Single housekeeping unit means common use and access to all living and eating areas, bathrooms, and food preparation and serving areas.
- (208)(227) Slope. An inclined ground surface. The inclination is expressed as a ratio of the horizontal distance to the vertical distance.
- (209)(228) Street, private. An area set aside to provide access for vehicular traffic within a development that is not dedicated or intended to be dedicated to the City and that is not maintained by the City.
- (229) Street, public. *An avenue, highway, road, thoroughfare, boulevard, parkway or other way proposed for vehicular traffic including any existing State, County, or City street or way shown upon a plat heretofore duly approved, filed and recorded in the office of the County Recorder that has been dedicated or deeded to the public for public use and which affords principal access to abutting property. Included in this definition is the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulder, gutters, sidewalks, division strips or other areas within the street lines. Roadways defined as alleys in this Zoning Code are not included as public streets by this definition.*
- (210)(230) Structure. Anything constructed or erected that requires a fixed location on the ground or attachment to something having a fixed location on the ground including, but not limited to, buildings, walls, sheds, gazebos, signs, patios, platforms, paving or fences.
- (211)(231) Structural alteration. Any change or rearrangement in the supporting members of a building, such as beams, girders, bearing walls, columns or partitions or any increase in the area or cubical contents of the building.
- (212)(232) Subdivider. Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this Planning and Zoning Code to effect a subdivision of land hereunder for himself or for another.
- (213)(233) Subdivision. Subdivision includes the following:  
 A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is five acres or less for the purpose, whether immediate or future, of transfer of ownership provided that the

division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted.

- B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

~~(214)~~(234) Subdivision, minor. A division of a parcel of land along an existing public street or road, not involving the opening, widening or extension of any street or road, and involving not more than five (5) lots after the original tract has been completely subdivided. Also known as lot split.

~~(215)~~(235) Subdivision, major. Any subdivision that does not meet the requirements of a minor subdivision.

~~(216)~~(236) Technically suitable. The location of a wireless telecommunication antenna that reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within developed areas of the City.

~~(217)~~(237) Telecommunication facility. See Wireless Telecommunication Facility.

~~(218)~~(238) Telecommunications. The technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.

~~(219)~~(239) Theater. A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

~~(220)~~(240) Transport and truck terminal. A building or area in which freight brought by truck is assembled and/or stored for routing in intrastate and interstate shipment by truck or in which semi-trailers, including tractor and/or trailer units, and other trucks are parked or stored.

~~(221)~~(241) Use. The purpose for which land, a building or structure is arranged, designed, intended, maintained or occupied; or any occupation, activity or operation carried on in a building or structure or on land.

A. Use, accessory. A use located on the same lot with the principal use of building or land, but incidental and subordinate to and constructed subsequent to the principal use of the building or land.

B. Use, conditional. A use permitted in a district, other than a principal use permitted by right, which is allowed only under certain conditions as set forth in Chapter 1147, Conditional Use Regulations, and which requires conditional use approval by the Planning Commission, in accordance with the standards and procedures set forth in Chapter 1107, Procedures for Zoning Certificates, Development Review, and Conditional Use Approval.

- C. Use, permitted. A use that is authorized by this Planning and Zoning Code as either a use permitted by right, a conditional use or an accessory use.
  - D. Use permitted by right. A permitted use that is approved administratively when it complies with the standards and requirements set forth in the Planning and Zoning Code, the approval of which does not require a public hearing.
  - E. Use, principal. The primary or main use or activity of a building or lot.
  - F. Use, temporary. A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure.
- (222)(242) Uplighting. Any light source that distributes illumination above a 90-degree horizontal plane.
- (223)(243) Utility substation/distribution facility, indoor. A facility contained entirely within a building, which performs either of the following functions:
- A. Aids in the transmission or distribution of gas, electricity, steam or water, or landline telephone communications.
  - B. Is used as a distribution center, including but not limited to a water pumping station, water reservoir, transformer station, landline telephone exchange, or building for radio, television, but not including a yard or building for storage, maintenance or repair service.
- (224)(244) Utility substation/distribution facility, outdoor. A facility, other than a transmission tower and not contained entirely within a building, which performs either of the following functions:
- A. Aids in the transmission or distribution of gas, electricity, steam or landline telephone communications.
  - B. Is used as a distribution center, including but not limited to a transformer station, landline telephone exchange, or building for radio, television.
- (Ord. 2009-27. Passed 10-19-09.)
- (225)(245) Variance. A grant by the Board of Building and Zoning Appeals to a property owner authorizing the property owner to vary from the literal terms of the relevant regulations.  
(Ord. 2009-27. Passed 10-19-09.)
- (246) ***Variance, area. A procedure whereby the strict application of the provisions of this Zoning Code relating to height, area, yard requirements, and the like may be modified by the Board of Building and Zoning Appeals in a particular instance, without changing the zoning ordinance or the underlying zoning district of the parcel.***
- (247) ***Variance, use. A procedure whereby the Board of Building and Zoning Appeals may allow the establishment of a land use that is not permitted within a particular zoning district without changing the zoning code or the underlying zoning district of the parcel where the land use is to be located.***

- (226)(248) Vehicle repair garage. An establishment providing repair services for motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of transmissions, engines or upholstery including the rebuilding or reconditioning of motor vehicles, or parts thereof, including clutch, transmission, differential, axle, spring, and frame repairs; major overhauling or engines requiring the removal of the engine cylinder, head or crankcase pan; repairs to radiators requiring the removal thereof; or similar activities. This term includes, but is not limited to, an auto repair shop, wheel and brake shop, tire sales and installation, or upholstery shop. This term shall not include vehicle dismantling or salvage, tire re-treading or recapping, or motor vehicle body shop.
- (227)(249) Vehicular use area. An area for storage of any and all types of vehicles whether such vehicles are self propelled or not, and an area including all land designed to be traversed by vehicles including, but not limited to, drive-in activities such as filling stations, grocery and dairy stores, banks, restaurants and the like.
- (250) ***Vending machine, outdoor. Any self contained or connected appliance, machine, and/or storage container located outside a structure which dispenses a product or service, either for sale, rent, or free, and which is activated entirely by the receiver of the product or service, including ice machines, food/drink machines, dvd kiosks, or other similar devices. Phones, fixed automatic teller machines, and newspaper/magazine dispensers are not included in this definition.***
- (228)(251) Warehousing. A building used for the indoor storage of goods and materials.
- (229)(252) Wholesale sales and distribution, indoor. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such companies. All such activities take place inside principal or accessory buildings.
- (230)(253) Wholesale sales and distribution, outdoor. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such companies. Such activities may take place outside of the principal or accessory buildings.
- (231)(254) Wireless telecommunications antenna. The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communication Commission (FCC) are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
- (232)(255) Wireless telecommunications facility. A facility consisting of the equipment and structures 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.

- (233)(256) Wireless telecommunications tower. A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.
- (234)(257) Yard. An open space on the same lot with a principal building or structure extending between the lot line and the extreme front, rear or side wall of the main building or structure.
- A. Yard, corner side. On a corner lot, the yard between the principal building and the side lot line adjacent to the street and extending from the front yard to the rear lot line.
- B. Yard, front. The area across the full width of the lot between the front of the principal building and the front line of the lot.
- C. Yard, rear. The area across the full width of the lot between the rear of the principal building and the rear line of the lot.
- D. Yard, side. The area between the main building and the side line of the lot extending from the front wall to the rear wall of the main building.
- (235)(258) Zoning Administrator. The individual designated to administer the Planning and Zoning Code of the City of Wooster, Ohio. A person designated by the Zoning Administrator may also perform duties of the Zoning Administrator.
- (236)(259) Zoning Certificate. A document issued by the Zoning Administrator authorizing the construction or alteration of a building or structure and/or use of a lot or structure in accordance with this Planning and Zoning Code.
- (237)(260) Zoning Map. An accurate map depicting the City of Wooster, Ohio, and indicating the boundaries of the zoning districts established by this Planning and Zoning Code.
- (Ord. 2006-49. Passed 5-21-07.)

## CHAPTER 1115 - SUBMISSION REQUIREMENTS

### **1115.12 CONDITIONAL USE SUBMISSION REQUIREMENTS.**

An application for a conditional use shall be submitted to the Zoning Administrator and shall include the items set forth below:

- ~~(b)~~ A list of all property owners lying within 200 feet of any part of the property on which the conditional use is proposed, including their addresses and permanent parcel number and lot numbers, as shown on the current tax duplicate in the Office of the Wayne County Treasurer.
- ~~(e)~~**(b)** A development plan and associated documents as required by Section 1115.10, if applicable and Section 1115.11. (Ord. 2006-49. Passed 5-21-07.)

### **1115.13 SUBMISSION REQUIREMENTS FOR VARIANCE REQUESTS.**

An application for a variance shall be filed with the Zoning Administrator for review by the Board of Building and Zoning Appeals upon the forms provided, and shall be accompanied by the following requirements necessary to convey the reason(s) for the requested variance:

(Ord. 2009-27. Passed 10-19-09.)

- ~~(i)~~ A list of all property owners lying within 200 feet of any part of the property on which the variance is proposed, including their addresses and permanent parcel numbers and lot numbers;
- ~~(j)~~**(i)** Any other documents deemed necessary by the Zoning Administrator.

### **1115.14 SUBMISSION REQUIREMENTS FOR A ZONING AMENDMENT.**

Applications for proposed amendments shall contain at least the following information:

- ~~(e)~~ Amendments to the Zoning Map adopted as part of this Planning and Zoning Code shall contain the following additional information:
  - ~~(5)~~ A list of all property owners lying within 200 feet of any part of the property on which the zoning amendment is requested, including their addresses and permanent parcel number, as shown upon the County auditor's current tax list; and
  - ~~(6)~~**(5)** Existing topography at two-foot contour intervals of the property to be rezoned and extending at least 250 feet outside the proposed site, and including property lines, easements, street rights-of-ways, existing structures, trees and landscaping features existing thereon.

## CHAPTER 1125 - GENERAL USE REGULATIONS

### **1125.04 TEMPORARY BUILDINGS AND ENCLOSURES AND OUTDOOR SALES ACTIVITIES.**

(d) Temporary Outdoor Sales Activities.

(2) Standards.

- C. All sales activities, including any temporary structures, tents, and stands, shall not be located within a required setback or public right-of-way, and must be in an area that is paved, and the activity does *shall* not interfere with parking, sight distance, traffic circulation or emergency vehicle access *on-site or upon a public street, alley, sidewalk or other public area within the City*, and ~~will~~ *shall* not reduce the required number of parking spaces required to serve principal use(s) on the site.
- F. Additional Standards for Itinerant Vendors. Itinerant Vendors are permitted in the Commercial Districts and the Manufacturing Districts provided these vendors comply with the regulations set forth below:
6. *All itinerant vendors shall provide at least one (1) trash receptacle upon the site of business for customer use. The site of business shall be cleared of all debris, trash, litter, and trash containers at the conclusion of each day's business activities.*
  7. *An itinerant vendor shall not be located on any property within the corporation limits of the City of Wooster for more than seven (7) consecutive days or more than thirty (30) total days in a single calendar year.*

### **1125.18 GARAGE OR YARD SALES.**

*Garage or yard sales may be permitted on any property with a permitted residential use in accordance with the following:*

- (a) *A garage or yard sale shall be limited to not more than three (3) consecutive days and shall only be conducted during daylight hours. No more than one (1) garage or yard sale may be conducted on any parcel of real estate in any three (3) month period.*
- (b) *These provisions shall not apply to a sale of property publicized solely by advertising, which describes or identifies the specific property offered for sale and does not designate the date, hours, or location of the sale other than by stating name, address or telephone number of the seller. In addition, the sale of personal property pursuant to an order or process of a court of competent jurisdiction shall not be construed as a garage or yard sale.*
- (c) *Signs for garage or yard sales shall be subject to the standards found in Section 1171.06 of this Zoning Code.*

**CHAPTER 1141 - COMMERCIAL DISTRICTS**

**1141.02 USE REGULATIONS.**

(d) Table 1141.02 Permitted Uses.

	<b>C-1 Office, Institutional</b>	<b>C-2 Neighborhood Business</b>	<b>C-3 Community Commercial</b>	<b>C-4 Central Business</b>	<b>C-5 General Commercial</b>
<b>(3) Retail and Services</b>					
<i>L. Custom print shop</i>	--	--	--	--	<i>P<sup>6</sup></i>
<i>M. Microbrewery, Microdistillery or Microwinery.</i>	--	--	--	<i>P</i>	<i>P</i>

Notes to Table 1141.02:

<sup>6</sup> *Custom printing shall not be done for any wholesale purpose, use, or for other businesses; no noise or fumes shall be noticeable to adjacent property owners or shall be noticeable to the general public from the street; no heavy truck traffic shall be generated from this use; no evidence of the production area shall be seen from the exterior of the building or shall be visible from the display windows to the general public.*

**1141.04 BUILDING SETBACK REQUIREMENTS.**

Every permitted use of land and structures shall be located on a lot in a manner that maintains the minimum building setbacks set forth in this section for the district in which the lot is located, measured from the appropriate lot line. Each resulting setback shall remain unobstructed by structures except as otherwise specifically permitted in this Code.

(b) Table 1141.04: Minimum Building Setbacks.

<b>Table 1141.04 Minimum Building Setbacks</b>					
	<b>C-1 Office, Institutional</b>	<b>C-2 Neighborhood Business</b>	<b>C-3 Community Commercial</b>	<b>C-4 Central Business</b>	<b>C-5 General Commercial</b>
<b>(4) Setback from side lot line abutting residential district<sup>3,4</sup></b>	10 feet	10 feet	50 feet	25 feet	50 feet
<b>(5) Setback from rear lot line abutting residential district<sup>3,4</sup></b>	25 feet	25 feet	50 feet	25 feet	50 feet

Notes to Table 1141.04

<sup>1</sup> Shall comply with Section 1141.04(c) below

<sup>2</sup> Except when buildings share a common wall, then there shall be no setback required.

<sup>3</sup> See Section 1125.02 for permitted obstructions within required setbacks or other related open space.

<sup>4</sup> *A property in a commercial district containing a permitted residential or conditional residential use which abuts either a property in a multi-family residential district or a property in a commercial district containing a similar permitted or conditional residential use shall utilize the side and rear lot lines stated in Table 1135.04(2)B.*

**1141.11 DESIGN STANDARDS.**

(c) Applications Development Plans in the C-4 District, Central Business District. Prior to seeking approval from the Planning Commission, all applicants in the C-4, Central Business District shall *All final development plans for exterior building alterations or renovations, building additions, or new construction in the C-4 District shall first be submitted* submit development plan applications to the Design and Review Board for *their recommendation or approval as indicated below. The Board's recommendation or approval shall be based upon the review of the submitted plans and the criteria in this Section. In making a recommendation or approval, the Design and Review Board may propose any conditions necessary to insure that the proposed development plan meets the requirements in this Planning and Zoning Code.*

(1) *For properties located in the C-4 District which are not designated as a Landmark or located in a Landmark District, and whose development plans require Planning Commission approval or approval from the Zoning Administrator per Chapter 1107, t* The Design and Review Board shall review and *only* make recommendations to the Planning Commission concerning the approval or disapproval of any final *these* development plans.

(2) *For properties located in the C-4 District which are designated as a Landmark or are located in a Landmark District, all exterior building changes, environmental changes and rehabilitation as defined by Chapter 155 of the Wooster Codified Ordinances, shall be approved by the Design and Review Board.* The Design and Review Board shall base its recommendation upon the review of the submitted application materials and the criteria in this Section. In making a recommendation to the Planning Commission, the Design and Review Board may recommend any conditions necessary to insure that the proposal meets the requirements in this Planning and Zoning Code.

(e) Table 1141.11 Design Standards.

<b>Table 1141.11 Design Standards</b>				
<b>Design Standards</b>	<b>C-2 Neighborhood Business</b>	<b>C-3 Community Commercial</b>	<b>C-4 Central Business</b>	<b>C-5 General Commercial</b>
(3) Buildings, structures and landscaping is to be designed and located on the site and be of a scale to complement buildings in close proximity and enhance the character of the surrounding area by having features that are appropriate and compatible with existing buildings and structures. In making this determination the following Planning Commission shall <i>be</i> considered:	X	X	X	

<p>A. Building height, width and general proportions;</p> <p>B. Architectural features, including patterns of windows and doors, roof pitch, cornice lines, balconies, porches, shutters, dormers, eaves and other decorative detail;</p> <p>C. General site characteristics which encourage well-landscaped and conveniently located parking areas, safe and comfortable pedestrian ways, and convenient pedestrian movement among adjacent and nearby buildings and parking areas.</p> <p>D. Building materials</p>				
<p><i>(6) The front façade of every building shall have transparent windows and transparent doors equal to a minimum of (30) thirty percent of the total area of the front façade, with each floor being calculated independently.</i></p>			X	
<p>(6)(7) Any part of the building, which is not the front façade, that is visible from a private right-of-way, parking area, or public circulation area shall have no more than twenty-five percent (25%) of the wall length, not to exceed fifty (50) feet, of contiguous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays, or an undulation of the building so that a pedestrian scale, rhythm, and visual interest is created.</p>	X	X	X	X
<p>(7)(8) Materials within three (3) feet of the finished grade or sidewalk shall be of a durable material to withstand pedestrian and vehicular traffic. No stucco (commonly known as "dry vit" or E.F.I.S.) or similar materials shall be permitted within three (3) feet of the finished grade</p>	X	X	X	X

(8)(9) All roof top equipment shall be concealed in building materials that match the structure or shall be painted to be visually compatible with the structure.	X	X	X	X
---	---	---	---	---

(f) Explanation of Terms. For the purpose of an use in this Chapter, certain terms and words shall be interpreted with regard to the following explanations:

(6) ***Transparent Windows and Transparent Doors.*** *A window or door which has a completely unobstructed view of a building interior to a depth of no less than three (3) feet. Display windows on the first floor of a building containing merchandise which obstructs no more than twenty-five (25) percent of the window area and window signs in conformance with Chapter 1171 shall be permitted within three (3) interior feet of such window or door.*

**CHAPTER 1143 - MANUFACTURING DISTRICTS**

(f) **Table 1143.02 Permitted Uses**

<b>E. Other Use Types:</b>	<b>M-1 Office/Limited Manufacturing</b>	<b>M-2 General Manufacturing</b>	<b>M-3 Urban Manufacturing</b>	<b>M-4 Open Space/Heavy Manufacturing</b>
9. 8. Campgrounds	--	C	--	P
10. 9. Recycling collection/processing facility	--	C	--	P
11. 10. Radio and TV Stations	--	P	--	P
12. 11. Wireless telecommunication facility	See Chapter 1173			

**1143.07 OUTDOOR ACTIVITIES.**

Outdoor activities, when permitted according to Table 1143.02, shall be permitted only when associated with the principal use provided such outdoor activity complies with the following:

- (e) **Screening.** All outdoor activity areas shall be enclosed with a wall or fence, including gates and shall be screened according to the requirements set forth in Chapter 1165 and Section 1143.08 (e) below, Fence and Walls: *screened from the public right-of-way, adjacent non-manufacturing zoning districts and adjacent less intensive manufacturing zoning districts per the following:*
  - (1) *Screening shall be composed of either a wall or fence according to the requirements set forth in Chapter 1165 and Section 1143.08 (c) or dense landscaping with no less than eight (80) percent opacity at the time of planting.*
  - (2) *Screening provided shall be no less than six (6) feet in height at the time of installation. Landscaping utilized to provide such screening may employ a mound of no more than three (3) feet in height.*
  - (3) *A single gap of no more than thirty (30) feet in such required screening shall be permissible to allow for ingress and egress to an outdoor activity area.*

## CHAPTER 1147 - CONDITIONAL USE REQUIREMENTS

### **1147.09 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES.**

#### **(kk) Public Transportation Terminal.**

- (1) No more than fifteen (15) cars shall be parked/stored on the premises at any one time.
- (2) All activities associated with the use shall take place within wholly enclosed buildings, except accessory off-street parking facilities.
- (3) No vehicles shall be permitted to stack or wait within the public right-of-way.
- (4) *The parking, waiting, and stacking areas for all vehicles, including buses, shall comply with the building setback requirements in the applicable zoning district, unless the site is located adjacent to a residential zoning district boundary. When adjacent to a residential zoning district boundary, the minimum side and rear setback shall be thirty (30) feet.*
- (5) *Vehicular approaches to the property shall be designed so as not to create an interference with traffic on surrounding public streets.*
- (6) *Any vehicular waiting or stacking areas shall be shown on the site design plan.*

## 1169 - OFF STREET PARKING AND LOADING REGULATIONS

### 1169.04 OFF-STREET PARKING STANDARDS.

The number of off-street parking spaces for each facility or use shall be determined by application of the standards noted in Table 1169.04. *A minimum of five (5) spaces is required for each facility other than a single-family detached, single-family attached or two-family dwelling.*

Table 1169.04  
Required Off-Street Parking Spaces

<u>Principal Building or Use</u>	<u>Minimum Parking Requirement <sup>(a)</sup></u>
<b>(a) Residential Uses:</b>	
(1) Single-family detached dwelling	2 spaces per dwelling unit
(2) Two-family dwelling	2 spaces per dwelling unit
(3) Single-family attached dwelling, Multi-family dwelling, Cluster Residential Development	2 spaces per dwelling unit, plus guest parking at the rate of 1 space for every 4 dwelling units
(4) Bed and Breakfast	1 space per guest room; plus 2 spaces for owner's unit
(5) Boarding house	1 space per each sleeping room
(6) Independent dwelling units in an Age Restricted Residential Development	2 spaces per unit
(7) Congregate care facility/ Nursing home	1 space per 2 beds
(8) Factory built housing	2 spaces per dwelling unit
(9) Adult care facility and residential facility	1 space per 2 beds
(10) Dormitory	1 space per sleeping room, plus 1 space per 300 square feet of common room floor area
<b>(b) Community / Educational Facilities</b>	
(1) Auditorium, assembly hall, membership club, conference center	1 space for every 4 seats
(2) Church or other place of worship	1 space for every 4 seats in the portion of the building to be used for assembly plus spaces for any residential use, plus 1 parking space for every 200 square feet of floor area designed to be used neither for assembly nor residential purposes
(3) College, universities	See Section 1169.06
(4) Library, cultural institution or similar use	1 space per 300 square feet of floor area
(5) Kindergarten, nursery school, child or adult day care center	2 spaces per classroom but not less than 6 spaces for the building
(6) Elementary and junior high schools	2 spaces per classroom plus 1 space for every 4 seats in the largest auditorium or assembly room

<u>Principal Building or Use</u>	<u>Minimum Parking Requirement</u> <sup>(a)</sup>
(7) High School	1 space for every teacher, employee and administrator, plus 1 space per 7 students, plus 1 space for every 4 seats in the largest auditorium or sports arena
(8) School, commercial, business, or trade school	1 space for every instructor, employee and administrator, plus 1 space for every 2 students
(9) Public safety facility	1 space per 200 square feet of floor area
<b>(e) Office, Professional Services</b>	
(1) Business, professional and administrative office (excluding medical and dental)	1 space per 250 square feet of floor area
(2) Banks, financial institutions	1 space per 250 square feet of floor area
(3) Medical, dental office and/or clinic, including urgent care clinic	1 space per 200 square feet of floor area
(4) Hospital	1 space for every 2 beds, plus 1 space for every 3 employees
(5) Scientific research, development, training and testing laboratory	1 space per 400 square feet of floor area
<b>(f) Retail/ Personal Services</b>	
(1) Retail establishment, business or personal service establishment (except as otherwise specified below)	1 space per 200 square feet of floor area
(2) Beauty salons and barber shops	2 spaces per beauty or barber chair
(3) Funeral home	1 space per 50 square feet of floor area of sitting or service rooms, plus one space for each vehicle maintained on the premises
(4) Hotel, motel	1 space per guest room or unit, plus 1 space for every 2 employees
(5) Kennel	1 space per 200 square feet
<b>(6) Restaurant<sup>(a)</sup></b>	
- Restaurant, <i>table service</i> (including bars/taverns) - <del>Table Service</del>	1 space per 100 square feet of floor area, or 1 space for every 2 seats, whichever is greater, plus 1 space for each delivery vehicle
- Restaurant, <del>C</del> ounter <del>S</del> ervice when located in a shopping center (b)	<del>10 spaces, or</del> 1 space per <del>50</del> 100 square feet of floor area, <del>whichever is greater,</del> plus 1 space for each delivery vehicle
- <del>Restaurant - Counter Service</del> when located as the only use in a <del>free standing building</del>	<del>20 spaces, or</del> 1 space per 50 square feet of floor area, <del>whichever is greater,</del> plus 1 space for each delivery vehicle
- <i>Restaurant, carry-out</i>	<i>1 space per 150 square feet of floor area, plus 1 space for each delivery vehicle</i>
(7) Veterinary office and animal hospital	1 space per 400 square feet of floor area, plus 1 space for every 2 employees

<u>Principal Building or Use</u>	<u>Minimum Parking Requirement</u> <sup>(h)</sup>
(8) <i>Custom Print Shop</i>	<i>1 space per employee, plus 1 space per 400 square feet of floor area utilized for customer service activities</i>
(9) <i>Microbrewery, Microdistillery or Microwinery</i>	<i>1 space per 100 square feet of restaurant floor area, plus 1 space per employee, plus 1 space for each delivery vehicle</i>
(g) <u>Entertainment - Recreation</u>	
(1) Private clubs, lodges	1 space for every 4 seats
(2) Theater, sports arena	1 space for every 4 seats
(3) Bowling alley	4 spaces per bowling lane, plus 1 space per 100 square feet of floor area used for a restaurant or lounge
(4) Commercial recreation, indoor	5 spaces per 1,000 square feet of floor area
(5) Commercial recreation, outdoor	1 spaces per 250 square feet of recreation area
(6) Dance hall, skating rink	1 space per 100 square feet of floor area (including lounging and spectator area)
(7) Health club	1 space per 200 square feet of exercise area, including locker and equipment rooms
(8) Golf course (9 holes or more)	8 spaces per green
(9) Miniature golf	2 spaces per hole
(10) Swimming pools, public or private (not associated with residences)	1 space for every 5 persons, based on pool capacity
(11) School, specialty/personal instruction	2 spaces per classroom, plus 1 space for every 2 students at design capacity
(12) Tennis Courts	4 spaces per court
(h) <u>Automotive Uses</u>	
(1) Gasoline station/pumps	1 space for every employee
(2) Automotive service station, vehicle repair garage	2 spaces per service bay, plus 1 space for every employee, but never less than 5 spaces
(3) Automobile sales and rental	1 space per 400 square feet of floor area of sales room, plus 1 space for each auto service stall in the service room and 1 space per employee
(4) Car wash	1 space for every employee
(5) Farm supplies and services	1 space per 400 square feet of floor area of sales room, plus 1 space for each service stall in the service room and 1 space per employee
(h) <u>General Commercial and Industrial Uses</u>	
(1) Transport and truck terminals	1 space for every 2 employees
(2) Distribution, warehouse facility,	2 spaces for each employee on the largest working

<u>Principal Building or Use</u>	<u>Minimum Parking Requirement</u> <sup>(a)</sup>
wholesale	shift
(3) Self-storage facility, indoor	1 space per 500 square feet of floor area
(4) All other general commercial uses	1 space per 250 square feet of floor area
(5) <i>Public Transportation Terminal</i>	<i>1 space per employee, plus 1 space per public transportation vehicle, plus 1 space for each 300 square feet of passenger waiting area</i>
(5)(6) All other industrial uses	1 space for every 1.5 employees on the largest working shift, plus 1 space for every company-owned car, truck, or other vehicle.
<p>Notes to Table 1169.04</p> <p>(a) <del>A minimum of five (5) spaces is required for each facility other than a single family detached, single family attached or two family dwelling.</del></p> <p>(b) <del>For the purposes of this Section, a shopping center shall include one or more multi-tenant building(s) and/or group of buildings where the required parking spaces are provided in a shared parking lot.</del></p> <p>(a) <i>For the purposes of Section 1169.04(f)(6), Restaurants, restrooms and dead storage areas shall not be included in a floor area calculation and outdoor dining areas shall be calculated at fifty (50) percent of the applicable requirement.</i></p>	

**1169.07 ALLOWANCE FOR SHARED PARKING.**

Two or more uses may share parking facilities without providing the minimum number of on-site required spaces for each use, except when parking spaces are provided in compliance with all the requirements of this Section.

- (c) The parking spaces shall be shared through a lease, *written agreement, contract*, ~~for at least a 20-year term or shared through a permanent easement~~ by the owner of the uses being served. Such lease, *written agreement, contract*, or easement shall be approved by the Zoning Administrator and the Law Director. If the term of the use is limited by a conditional use permit, then the term of the lease, *written agreement, or contract* may be limited accordingly. At the expiration of the term of *the lease, written agreement, or contract*, the owner of the use being served shall either renew the lease, *written agreement, contract* (which shall be approved by the Zoning Administrator and Law Director), replace the shared parking or end the use that required the shared parking.

**1169.08 ALLOWANCE FOR OFF-SITE PARKING.**

All off-street parking spaces shall be located on the same lot as the structure or use, except when parking spaces are provided in compliance with all the requirements of this Section.

- (e) The lot used for an off-site parking facility shall be owned, ~~by or leased, for at least a 20-year term under contract or written agreement~~, or *used* through a permanent easement by the owner of the use being served. The Zoning Administrator and the Law Director shall approve such lease, *written agreement, contract*, or easement. If the term of the use is limited by a conditional use permit, then the term of the lease, *written agreement, or contract* may be limited accordingly. At the expiration of the term of ~~a~~ *the lease, written agreement, or contract*, the owner shall replace the off-site parking or end the use that required the parking.

## CHAPTER 1171 - SIGNS

### **1171.06 GARAGE OR YARD SALE SIGNS.**

*Signs announcing a garage or yard sale shall comply with the regulations set forth in this Section.*

- (a) *Signs shall be displayed no more than seven (7) days prior to the garage or yard sale and shall be removed within twenty-four (24) hours of the completion of the sale.*
- (b) *Signs shall be no more than six (6) feet in area and no more than four (4) feet in height. No more than three (3) total signs shall be erected for a single garage or yard sale.*
- (c) *No sign shall be placed on a utility pole, street sign or in the public right-of-way.*
- (d) *No sign shall be illuminated, animated or obstruct visibility when entering or leaving property.*

### **1171.06(7) PROHIBITED SIGNS.**

All signs not expressly permitted in this Chapter shall be prohibited in the City. Such signs include but are not limited to the following:

- (a) Private signs located in the public right-of-way except as otherwise permitted for in the C-4 District;
  - (b) Roof Signs;
  - (c) Billboards/off-premise signs;
  - (d) Flags intended for advertising or commercial purposes;
  - (e) Flashing, intermittent, or moving signs that flash or move more than four times per minute, blinker, racer type, rotating, animated, or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants, ribbons, streamers, spinners, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, and other similar types of attention-getting devices;
  - (f) Merchandise, equipment, products, or vehicles solely placed for advertising or attention getting purposes;
  - (g) Permanent signs erected or attached to accessory structures, including outdoor furniture, benches, tables, chairs; and,
  - (h) Marquee signs.
- (Ord. 2006-49. Passed 5-21-07.)

### **1171.07(8) DESIGN STANDARDS.**

In addition to ensuring compliance with the numerical standards of these regulations, the Zoning Administrator shall consider the proposed general design arrangement and placement of the sign according to the following criteria:

- (a) The lettering shall be large enough to be easily read but not overly large or out of scale with the building or site.
- (b) The sign should be consolidated into a minimum number of elements.
- (c) The ratio between the message and the background shall permit easy recognition of the message.
- (d) The size, style, and location of the sign shall be appropriate to the activity of the site.
- (e) The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture of the building.

- (f) Signs shall be designed with a limited number of, and harmonious use of, colors.
- (g) Signs, if seen in series, shall have a continuity of design with the style of sign generally consistent throughout the building or block.
- (h) Instructional signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.
- (i) Sign Concept Plan. For multi-tenant buildings and development projects with multiple buildings in the CPRO, C-1, C-2, C-3, C-4, C-5, M-1, M-2, M-3, and M-4 Districts, the Planning Commission shall approve basic sign parameters that set forth the location, size, color, and style of each tenant sign. Such sign parameters will be established when the Planning Commission reviews development plans for new buildings. Whenever the Planning Commission has approved such sign parameters, the Zoning Administrator will ensure any subsequent sign application submitted for a tenant of the development or building complies with such sign parameters  
(Ord. 2006-49. Passed 5-21-07.)

**1171.08(9) SIGN ILLUMINATION, CONSTRUCTION, AND MAINTENANCE STANDARDS.**

The Zoning Administrator shall consider the proposed sign according to the following standards:

- (a) Illumination. Signs shall be permitted to be illuminated in compliance with the following:
  - (1) Light sources shall be shielded from all adjacent buildings and streets.
  - (2) Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists, or cause reasonable objection from adjacent residential districts.
  - (3) Signs shall not include flashing, moving, or intermittent lighting in which any part of the message changes at a rate of more than once every 15 seconds.
  - (4) The illumination of signs shall not obstruct traffic control or any other public informational signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs or devices.
  - (5) In single-family residential districts, temporary signs shall not be illuminated. Permanent, freestanding signs shall only be externally illuminated.
- (b) Construction Standards.
  - (1) The construction, erection, safety, and maintenance shall comply with all applicable building codes.
  - (2) All signs shall be constructed in a professional manner in conformance with the appropriate building code and other applicable requirements of the City and shall be structurally sound to withstand wind pressures of at least thirty (30) pounds per square foot of surface area.
  - (3) All signs shall be located and secured so as to pose no threat to pedestrian or vehicular traffic.
  - (4) Permanent signs shall be fabricated on and of materials that are of good quality and good durability.

- (5) Electric signs and all permanent signs involving structural requirements of the building code shall be installed, repaired, altered and serviced only by a contractor licensed to perform such tasks.
  - (6) No sign shall be erected to as to project over or obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress of any building.
  - (7) No sign shall be attached to a utility pole, tree, trash receptacle, bench or other structure not intended or approved as a sign support.
  - (8) Temporary signs shall be durable and weather-resistant, and fastened or anchored sufficiently, whether attached to the building or positioned in the ground.
  - (9) No sign regulated by any of the provisions of this Chapter shall be erected in the right-of-way, in proximity to railroad crossings, or at the intersection of any streets in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "STOP", "LOOK", "DANGER" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
  - (10) In the event there is a conflict between the provisions of this Section and the provisions of any applicable building codes, the provisions of the applicable building code shall govern.
- (c) Maintenance. All signs shall be maintained in accordance with the following:
- (1) The property owner, occupant, or other person responsible for the sign shall maintain the sign in a condition fit for the intended use and he/she shall have a continuing obligation to comply with all building code requirements.
  - (2) If the Zoning Administrator finds that any sign is unsafe, insecure, a menace to the public, or constructed, erected, or maintained in violation of the provisions of this Code, notice shall be given in writing by the Zoning Administrator to the owner. The owner of the sign shall, within forty-eight (48) hours of such notification, correct such unsafe condition or remove the sign. If the correction has not been made within the allotted forty-eight hours, the sign may be removed or altered by the City to comply with these regulations at the expense of the owner or occupant of the property upon which the sign is located. The Zoning Administrator may cause any sign, which, in the City's opinion, creates a danger to persons or property to be removed immediately and without notice.
  - (3) The Zoning Administrator may order any sign to be painted or refurbished whenever needed to keep the sign in a neat and safe condition. All supporters, guys, braces and anchors for such signs shall be maintained in a safe condition.
  - (4) Abandoned Signs & Failure to Maintain. The face of any permanent sign which advertises a business that has not been conducted on the premises for 180 consecutive days, or fails to serve the purposes for which it was intended, or evidences a lack of maintenance, shall be removed by the owner, agent, or person having the beneficial use of the building, structure, or land upon which such sign is located, within ten (10) business days after written notice

by the Zoning Administrator, and the sign area shall be replaced by a neutral, single background color panel or similar cover. If the sign is comprised of individually raised letters, the letters shall be removed. Upon failure to comply with such notice within the time specified in such order, the Zoning Administrator is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property on which the sign is located.

(Ord. 2006-49. Passed 5-21-07.)

**1171.09(10) REGULATIONS FOR NONCONFORMING SIGNS.**

- (a) Maintenance of Nonconforming Signs. Nonconforming signs shall be maintained in good condition pursuant to Section 1171.08 (c), Maintenance, and may continue until such sign is required to be removed as set forth in this Chapter.
  - (b) Alteration, Relocation or Replacement of Nonconforming Signs. A nonconforming sign shall not be structurally altered, relocated, or replaced unless it is brought into compliance with the provisions of this Chapter, except as otherwise permitted in this Chapter.
  - (c) Reconstruction of Damaged Sign. If a sign face and/or its support is damaged to the extent where the repair cost exceeds 50% of the replacement cost of the sign, the sign shall be removed or brought into compliance with this Chapter. If the repair costs do not exceed 50% of the replacement cost of the sign, the sign may be repaired, subject to approval by the Zoning Administrator.
  - (d) Termination. A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore shall be brought into conformance with this Chapter or removed, when any of the following occur:
    - (1) The size or shape of the sign is changed; or
    - (2) The building to which the sign is accessory is renovated or remodeled to the extent that more than 50% of the gross floor area is removed or replaced, or otherwise affected by renovation or remodeling; or
    - (3) The building is expanded and the total sign area permitted for the expanded building is more than 50% greater than the existing sign area; or
    - (4) When fifteen years have elapsed from the effective date of this provision, which effective date is June 21, 2007.
  - (e) Historic Signs. The Planning Commission may grant exceptions to these standards whenever a sign has been designated as a historic landmark.
- (Ord. 2006-49. Passed 5-21-07.)

**1171.10(11) ADMINISTRATIVE PROVISIONS.**

- (a) Compliance with this Section. No person shall erect, locate, move, alter, or replace any sign or cause a sign to be located or maintained, unless all provisions of this Chapter have been met.
- (b) Application, Administrative Review, and Approval of Signage Proposals.
  - (1) When any person other than the owner of the property submits a sign application, the owner of the property or a designated agent for the owner shall also sign such application.
  - (2) All signage proposals requiring review and approval shall be reviewed administratively by the Zoning Administrator for compliance with the design

criteria, construction standards, maintenance, and all other applicable regulations in this Chapter.

- (3) Approved signage proposals will receive from the Zoning Administrator a Sign Permit

- (c) Table 1171.10 – Administrative Requirements.

<b>Table 1171.10 Administrative Requirements</b>		
<b>Sign Type</b>	<b>Sign Permit Required</b>	<b>Sign Permit Not Required</b>
Building, Permanent	X	
Construction		X
Entrance or Exit	X	
Freestanding, Permanent	X	
Instructional		X
Address Sign		X
Temporary (6 sq. ft. or less)		X
Temporary (greater than 6 sq. ft.)	X	

- (d) Status of Prior Violations. All violations of the sign regulations repealed by the adoption of this Planning and Zoning Code shall remain violations and all penalties and enforcement remedies set forth herein shall be available to the City as though the violation were a violation of this Planning and Zoning Code. Provided, however, that if the effect of this Planning and Zoning Code is to make a sign, that was formerly unlawful or non-conforming, become lawful and/or conforming, then no enforcement action shall be taken except for the imposition and collection of penalties, other than the removal of the sign, for the violations that occurred prior to the effective date of this Planning and Zoning Code. (Ord. 2006-49. Passed 5-21-07.)

**1171.11(12) CLASSIFICATION OF SIGNS.**

For the purposes of these regulations, a sign shall be classified by physical design or structure and by function or purpose based on the following. The definitions for the following terms are in Chapter 1103, Definitions.

- (a) By Location Characteristics.

- (1) **Building Sign:** A building sign includes any of the following types of signs:  
 A. Awning or Canopy Sign;  
 B. Wall Sign; and,  
 C. Window Sign.
- (2) **Freestanding Sign:** A freestanding sign may include any of the following types of signs:  
 A. Entrance/Exit Sign;  
 B. Instructional Sign;  
 C. Freestanding Sign.

- (3) Projecting Sign.
  - (4) Roof Sign:
  - (b) Physical Design Characteristics.
    - (1) Banner Sign.
    - (2) Changeable Copy Sign.
    - (3) Flashing Sign.
  - (c) Function.
    - (1) Billboard.
    - (2) Building Marker.
    - (3) Instructional Sign.
    - (4) Address Sign.
    - (5) Project Real Estate/Construction Sign.
    - (6) Permanent Sign.
    - (7) Temporary Sign.
- (Ord. 2006-49. Passed 5-21-07.)



## Development Plan #ZC-252 Zoning Code Amendments

Applicant: City of Wooster

Request: Approval and a recommendation to City Council for amendments to the Wooster Planning and Zoning Code (Chapter 1103 – Definitions, Chapter 1115 – Submission Requirements, Chapter 1125 – General Use Regulations, Chapter 1141 – Commercial Districts, Chapter 1143 – Manufacturing Districts, Chapter 1147 – Conditional Use Requirements, Chapter 1169 – Off Street Parking and Loading Regulations, and Chapter 1171 – Signs).

### Definitions Section

There have been a number of new definitions added to Chapter 1103, Definitions, along with edits to a number of existing definitions. The new definitions added have resulted in the renumbering of the majority of the chapter. The following includes all new definitions in the chapter:

- Awning
- Canopy
- Custom print shop
- Dead storage area
- Dog day care/grooming facility
- Emission
- Garage or yard sale
- Kennel
- Landmark
- Manufacturing
- Microbrewery, microdistillery or microwinery
- Parking lot, private
- Parking lot public
- Printing and publishing
- Private transportation terminal
- Restaurant, carry out
- Restaurant, counter service
- Restaurant, table service
- Street, public
- Variance, area
- Variance, use
- Vending machine, outdoor

### Other Code Sections

The following outlines changes to the other proposed amendments to the Zoning Code, outside of the Definitions section. Many of the changes are minor, such as correcting punctuation or numbering, while others fill in gaps in the Zoning Code where new regulations or adjustments were found to be necessary.

- Chapter 1115 – Submission Requirements – A section was removed requiring a property owner to submit a list of property owners within 200 ft. of a site for a Conditional Use, Variance or Zoning Amendment application. Notifications will still be sent out, however, the list of property owners will be created by staff to ensure accuracy.
- Chapter 1125 – General Use Regulations – Additional standards were created for itinerate vendors and a new section added regulating garage sales.
- Chapter 1141 – Commercial Districts –
  - Custom print shops and microbreweries, microdistilleries and microwineries were added to the permitted use chart.
  - Setbacks were reduced for permitted residential uses in commercial districts that abut other permitted residential uses.



- A standard was added requiring all exterior changes in the C-4 district to receive a recommendation or approval from the Design and Review Board.
- A condition added in the C-4 district requiring that 30% of the front of a building to be transparent glass.
- Chapter 1143 – Manufacturing Districts – An adjustment was made to the requirement for screening of outdoor storage.
- Chapter 1147 – Conditional Use Requirements – Additional requirements for public transportation terminals were added.
- Chapter 1169 – Off Street Parking and Loading Regulations – Parking requirements were added or adjusted for restaurants, custom print shops, microbreweries, microdistilleries and microwineries, and public transportation terminals. Adjustments were made to the section for shared parking and off site parking.
- Chapter 1171 – Signs – A section was added regulating garage sale signs.

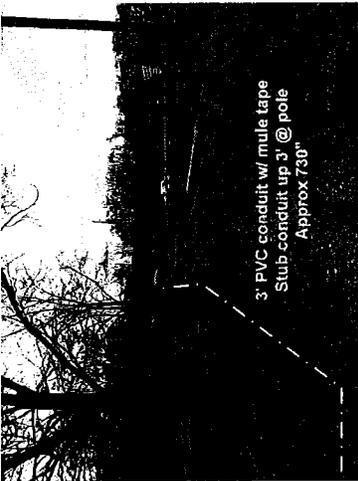
#### **1191.01 Amendments to Text**

When a proposed amendment would result in a change in the text of this Zoning Code but would not result in a change of zoning classification of any property on the zoning map, the Planning Commission and the City Council shall consider the following items when formulating its decisions:

- (a) Whether such change is consistent with the intent and purposes of this Planning and Zoning Code;
- (b) Which areas are most likely to be directly affected by such change and in what way they will be affected; and,
- (c) Whether the proposed amendment is made necessary because of changed or changing conditions in the areas of zoning districts affected or in the city generally, and, if so, the nature of such changed or changing conditions.



# EXHIBIT A (5 pgs.)



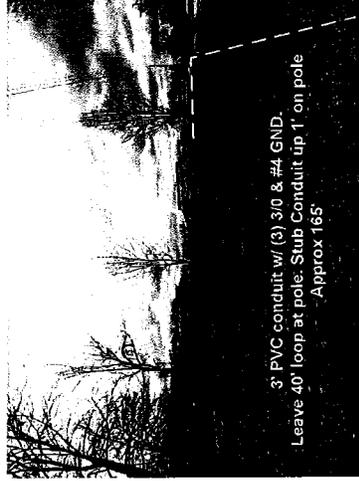
TELCO CONDUIT FROM POLE



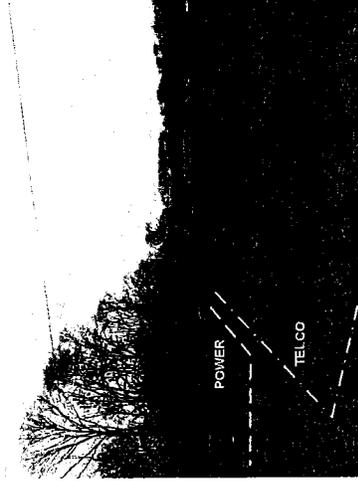
SITE TO POWER POLE



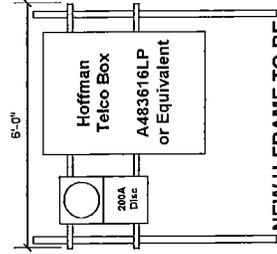
TELCO CONDUIT TO POLE



POWER POLE TO SITE



TELCO/PWR CONDUITS TO COW



NEW H-FRAME TO BE ERECTED AT COW

## CL99XT281\_WOOSTER COW NOTES

Address: 585 & Long Road, Wooster, OH 44691  
 Coordinates: 40.813959, -81.914896  
 AMSL: 1005'

**Property Owner Contact:** City of Wooster  
 Roger Kobilarosik, PE  
 City Engineer  
 Phone: 330.263.5236  
 Cell: 330.317.9084  
[rkobilarosik@woosteroh.com](mailto:rkobilarosik@woosteroh.com)

**Power Company:** American Electric Power (AEP)  
 Michelle L. Baab  
 Engineering Technician  
[mlbaab@aep.com](mailto:mlbaab@aep.com)  
 AEP Order # 070099292

**Back-Haul Provider:** Century Link  
 Dennis L. Figley  
 Network Engineer  
 Phone: 330.262.1128  
[Dennis.L.figley@centurylink.com](mailto:Dennis.L.figley@centurylink.com)

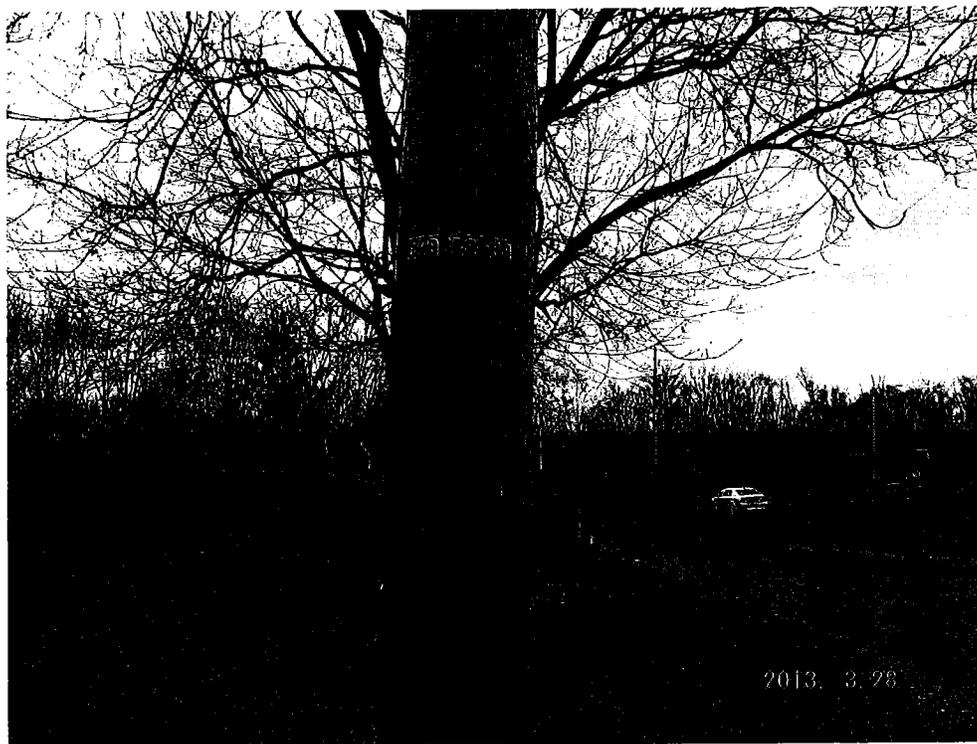
**Real Estate & Construction Agents:** FMHC Corporation  
**Real Estate:**  
 Christine Phillips  
 Site Acquisition Team Lead  
 Phone: 216.533.5248  
[cphillips@fmhc.com](mailto:cphillips@fmhc.com)  
**Construction:**  
 Timothy May  
 Construction Manager  
 Phone: 248.880.8750  
[tmay@fmhc.com](mailto:tmay@fmhc.com)

FMHC Corporation 1700 Shervette Ave. Des Plaines, IL 60018		Sprint COW 585 & Long Rd Wooster, OH 44691	
CL99XT281 Site Plan	DATE 4/4/2013	DRAWN BY Tim May	REV
SCALE NTS	SHEET 2 OF 2		





CENTURY LINK POLE AT AKRON ROAD ROW



CENTURY LINK POLE ID

 FMHC Corporation 1700 Sherwin Ave. Des Plaines, IL 60018	<b>Sprint</b>		
	<b>COW</b> 585 & Long Rd Wooster, OH 44691		
<b>CL99XT281</b>	SIZE	DATE	DRAWN BY
Site Plan	SCALE	NTS	SHEET
		4/4/2013	Tim May
			1 OF 2



2013. 3. 28

AEP POLE LOCATION



2013. 3. 28

AEP POLE ID

 <b>FMHC Corporation</b> 1700 Sherwin Ave. Des Plaines, IL 60018	<b>Sprint</b>		
	<b>COW</b> 585 & Long Rd Wooster, OH 44691		
<b>CL99XT281</b>	SIZE	DATE	DRAWN BY
Site Plan	SCALE	4/4/2013	NTS
			REV
			Tim May
			SHEET
			1 OF 2



COW LOCATION VIEWED FROM NORTH



COW LOCATION VIEWED FROM SOUTH

 FMHC Corporation 1700 Sherwin Ave. Des Plaines, IL 60018	<b>Sprint</b>		
	<b>COW</b> 585 & Long Rd Wooster, OH 44691		
<b>CL99XT281</b>	SIZE	DATE	DRAWN BY
Site Plan	SCALE	NTS	Tim May
			REV
			SHEET
			1 OF 2

ORDINANCE NO. 2013-19

AN ORDINANCE AMENDING CHAPTER 162,  
MANAGEMENT BENEFITS, OF THE  
CODIFIED ORDINANCES OF THE CITY OF  
WOOSTER, OHIO TO CONFORM TO A  
RECENT DECISION OF THE STATE  
EMPLOYMENT RELATIONS BOARD

WHEREAS, due to a recent decision by the State Employment Relations Board, the position of accountant has been removed as a position within the Wooster Employees Association bargaining unit, thereby necessitating that the position be assigned to the ordinance on Management Positions for placement into an appropriate pay range.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That Chapter 162 of the Codified Ordinances, entitled Management Benefits, be amended at Section 162.09, MANAGEMENT POSITIONS, to read as follows:

162.09 MANAGEMENT POSITIONS.

(a) In accordance with Article V, Section 5.03 of the Charter of the City of Wooster, and the Codified Ordinance Section 162.09, the following management positions are hereby identified and authorized:

<u>POSITION</u>	<u>STATUS</u>
<i>Accountant I</i>	<i>Unclassified</i>
<i>Accountant II</i>	<i>Unclassified</i>
Administrative Assistant	Unclassified
Assistant City Engineer	Unclassified
Assistant Fire Chief	Classified
Building Standards Manager	Unclassified
City Planner	Unclassified
Community Service and Development Administrator	Unclassified
Deputy Director of Finance	Unclassified
Director of Administration	Unclassified
Director of Finance	Unclassified
Director of Law	Unclassified
Development Coordinator	Unclassified
Engineering Manager	Unclassified
Finance Manager	Unclassified
Fire Chief	Classified
Human Resources Manager	Unclassified
Human Resources Specialist	Classified
Information Systems Manager	Unclassified
Planning and Zoning Manager	Unclassified
Police Captain	Classified



**Request for Agenda Item  
Non-Capital**

**Division**  **Meeting Date Requested**

**Project Name**   **Approved for Agenda**

**Description** (be as descriptive as possible, given space limitations)

The WEA Accountant employees voluntarily requested to have the Accountant classification decertified from the WEA bargaining group. The WEA union board voted and agreed to jointly file a petition for amendment of certification to the State of Ohio State Employment Relations Board (SERB). The purpose of the petition was to have the Accountant classification removed from the bargaining group.

The City agreed that the decertification of the Accountant classification was beneficial and agreed to jointly file the petition. The Accountants are involved in financial data, handling payroll and other sensitive material for the City. These same employees would periodically assist with pulling necessary data for collective bargaining purposes. Their involvement, along with being part of the WEA bargaining group, created a conflict of interest.

SERB voted on April 25, 2013 and approved the amendment to remove the Accountant classification from the WEA bargaining group. The Accountant position will become an unclassified position and part of the S,C&A wage schedule. There will be two classifications: Accountant I and Accountant II.

**Is there a need for rules suspension or time limitation when this must be passed?**

The change is effective May 5, 2013, which is the beginning of the first pay period following the decertification of the Accountant position from the union.

**Manager Requesting**

**Date**

**Approved for Agenda**



RESOLUTION NO. 2013-45

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH quasar energy group, DBA WOOSTER RENEWABLE ENERGY, LLC FOR THE CONSTRUCTION AND OPERATION OF IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT

WHEREAS, following the issuance of a study mandated and subsequently approved adopted by Ohio EPA, it was determined that the City's wastewater treatment plant would require certain improvements in order to comply with its permit to discharge; and

WHEREAS, in subsequent legislation this Council authorized the retention of an engineering firm, URS Consultants, to assist in evaluating the needs of the wastewater treatment plant and an estimate of the costs related thereto; and also to assist in the issuance of a request for proposals from qualified firms that might provide and/or implement the necessary improvements; and

WHEREAS, after a careful review of such proposals URS, in consultation with the director of administration, has recommended that quasar energy group, DBA Wooster Renewable Energy, LLC, a firm that specializes in converting municipal solid waste into energy, is the firm best-suited to construct and also operate many of the required improvements, and that entering into a contract with this firm is expected to result in long-term savings to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the Director of Administration is hereby authorized to enter into contracts with quasar energy group, DBA Wooster Renewable Energy, LLC for (1) the lease of space at the wastewater treatment plant for purposes of constructing an anaerobic digester system and appurtenances related thereto; and (2) the operation and management of biomass processing services at the wastewater treatment plant.

SECTION 2. Such contract will not exceed the amounts appropriated for this project in the 2013 Appropriations Budget adopted by this Council in Ordinance No. 2012-32.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this resolution occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

1st Reading \_\_\_\_\_ 2nd reading \_\_\_\_\_ 3rd reading \_\_\_\_\_

Passed: \_\_\_\_\_, 2013

Vote: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_, 2013

\_\_\_\_\_  
Mayor

Introduced by: Craig Sanders