

WOOSTER CITY COUNCIL AGENDA

October 6, 2014

7:30 p.m.

The meeting will be held at City Hall, in Council Chambers, 1st 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

Liquor License notice regarding a request for a new D5 class permit from Chipotle Mexican Grill of Colorado LLC, DBA Chipotle, 4124 Burbank Road, Unit C & Patio, Wooster, Ohio 44691.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

VI. OLD BUSINESS

1. Second Reading – ORDINANCE NO. 2014-24 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)

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2014-27 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT FOR AN ENCROACHMENT UPON THE PUBLIC RIGHT-OF-WAY, AND DECLARING AN EMERGENCY (Ulbright)
2. First Reading – ORDINANCE NO. 2014-28 AN ORDINANCE AMENDING ORDINANCE NO. 2003-44 BY INCREASING THE SCOPE OF THE CHRISTMAS RUN PARK RESTORATION FUND, AND DECLARING AN EMERGENCY (Silvestri)
3. First Reading – ORDINANCE NO. 2014-29 AN ORDINANCE RATIFYING AND CONFIRMING CERTAIN MATTERS IN CONNECTION WITH THE ISSUANCE AND SALE OF BONDS, AS AUTHORIZED BY ORDINANCE NO. 2014-25 PASSED ON SEPTEMBER 15, 2014, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE CITY'S WASTEWATER TREATMENT PLANT AND ACQUIRING, CONSTRUCTING AND INSTALLING RELATED WASTEWATER TREATMENT FACILITIES AND EQUIPMENT, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY (Ansel)
4. First Reading – RESOLUTION NO. 2014-61 A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY (Sanders)
5. First Reading – RESOLUTION NO. 2014-62 A RESOLUTION AUTHORIZING THE OF ADMINISTRATION TO ENTER INTO A CONTRACT FOR EMERGENCY CONCRETE REPAIRS TO THE DIX EXPRESSWAY, AND DECLARING AN EMERGENCY (Ulbright)

6. First Reading – RESOLUTION NO. 2014-63 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A CONTRACT WITH QUASAR, dba WOOSTER RENEWABLE ENERGY, LLC, TO INSTALL FACILITIES AND PROVIDE ELECTRICAL SERVICE FROM THE WASTEWATER TREATMENT PLANT TO THE WATER 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

14374150610 PERMIT NUMBER		N TYPE	CHIPOTLE MEXICAN GRILL OF COLORADO LLC DBA CHIPOTLE 4124 BURBANK RD UNIT C & PATIO WOOSTER OH 44691
ISSUE DATE			
11 13 2007 FILING DATE			
D5 PERMIT CLASSES			
85 TAX DISTRICT	165	B	Y15028 RECEIPT NO.

FROM **09/08/2014**

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT		RECEIPT NO.



MAILED **09/08/2014**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **10/09/2014**

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 N 1437415-0610

(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**

LLC / PARTNERSHIP CROSS REFERENCE
DISPLAY

PGECG

1437415 PERMIT NBR
CHIPOTLE MEXICAN GRILL
OF COLORADO LLC
ATTN LICENSING
1401 WYNKOOP ST STE 500
DENVER CO 80202

KEVIN REDDY	09/08/2005	INACTIVE	
MARC SIMON	09/08/2005	INACTIVE	
JOHN HARTUNG	12/01/2005	INACTIVE	
ROBERT WILNER	12/01/2005	INACTIVE	
! GERALD SCHAFER	08/13/2003	INACTIVE	
M STEVEN ELLS	04/19/2001	ACTIVE	MAN-MBR
MONTGOMERY F MORAN	09/08/2005	ACTIVE	MAN-MBR
CHIPOTLE MEXICAN GRILL IN	08/02/2000	ACTIVE	MAN-MBR5%M

PA2-KEY = END SESSION, CLEAR-KEY = END OPTION, ENTER-KEY = TO CONTINUE

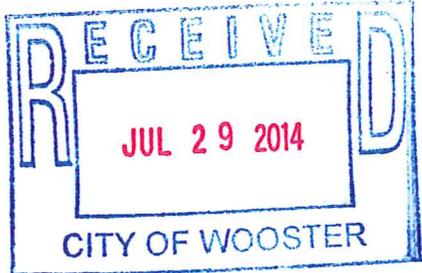
**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

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

Proposed amendments attached along with the recommendation from the Planning Commission.



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

Manager Requesting

Date

Approved for Agenda

ROBERT F. BRENEMAN
Mayor



ANDREW DUTTON
Planning & Zoning Manager
330-263-5238

LAURIE HART
Administrative Assistant
330-263-5200 x304

CITY OF WOOSTER
DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION
538 N. MARKET STREET
P.O. BOX 1128
WOOSTER, OH 44691
FAX: 330-263-5274

MEMORANDUM

DATE: October 1, 2014
TO: Wooster City Council
FROM: Andrew Dutton, Planning and Zoning Manager
RE: Ordinance 2014-24 (Planning and Zoning Code Amendment)

Overview

The proposed amendments to the Planning and Zoning Code incorporate a variety of changes to the current regulations. The document titled "Notes – Proposed Planning and Zoning Code Amendment" provides explanation and justification for significant proposed changes. In addition, further changes have been proposed to clarify regulations and remedy inconsistencies in the current Planning and Zoning Code.

Supplementary amendment language has been included for your consideration which adds a public hearing by City Council for public facilities in residential districts. The Planning Commission was presented similar language at their July 23rd meeting as an option, however, the Commission did not incorporate such language in their recommendation to City Council.

Additional documents, as noted below, have been included to further elaborate on changes to temporary sign regulations and changes to allow public facilities in residential districts.

Included Documents

The following documents have been included for your review:

1. Proposed Planning and Zoning Code Amendments
2. Notes – Proposed Planning and Zoning Code Amendments
3. The recommendation of #ZC-258, with conditions, by the Planning Commission on July 23, 2014
4. A Proposed Additional Text Amendment By Staff
5. A Summary of Proposed Changes to Temporary Signage Regulations
6. Rationale for Changes to Public Safety, Health or Utility Facilities in Residential Districts
7. Public Facility Uses in Other Cities
8. Maps illustrating the location of public facilities in Wooster and cities within close proximity

Public Safety, Health or Utility Facilities Background

- **August 2013** – The Planning Commission unanimously voted to recommend approval of miscellaneous amendments of the Planning and Zoning Code to City Council, including changes to allow public safety, health or utility facilities as a permitted use in all zoning districts.
- **December 2013** – After much discussion, City Council amended the proposed Planning and Zoning Code amendments to remove sections allowing public facilities as a permitted use in residential zoning districts. City Council then approved the amended Planning and Zoning Code amendments. No vote was taken on the proposed amendments allowing public safety, health or utility facilities as a permitted use in residential districts.
- **May 2014** – The currently proposed amendments were brought to the Planning Commission containing the same change to allow public safety, health or utility facilities as a permitted use in residential districts. The Commission again voted unanimously to approve the proposed amendments. Every current member of the Planning Commission has voted in the past to recommend approval of the proposed change to allow public safety, health or utility facilities as a permitted use in residential zoning districts. However, at the May meeting, the proposed amendments were not formally opened for public comment. Though none of the three gentlemen in attendance appeared to be prepared to comment on the application, opening the application for public comment was necessary.
- **June 2014** – The application again brought to the Planning Commission to formally open the application to a public hearing. After the public hearing and discussion by the Commission, the application was tabled to the July 2014 meeting.
- **July 2014** – The Planning Commission passed a motion recommending the removal of changes allowing public safety, health or utility facilities as a permitted use in residential districts.

Items for City Council to Consider

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 & 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.

Action by City Council

After the conclusion of the public hearing required in Section 1119.09, Council shall take action on the proposed amendment.

- (a) Council's action shall either:
 - (1) Adopt the recommendation of the Planning Commission;
 - (2) Deny the recommendation of the Planning Commission; or
 - (3) Adopt some modification thereof.

At the September 15th City Council meeting, there was specific discussion regarding requirements for the storage of recreational vehicles and trailers and notification requirements for zoning amendments. The following provides additional information, as discussed at the meeting.

Recreational Vehicle and Trailer Storage

Text Modification

Language was originally added in Section 1125.08(a)(1) on Page 3 of the proposed amendments which states that recreational vehicles and trailers cannot “be located less than ten (10) feet from any property line”. Additional changes were made in the section to change “setback” to “yard” and to indicate that a space cannot be created in any prohibited area. These changes are in an effort to provide consistency with existing code sections that contain similar regulations in a slightly different variation.

Recreational Vehicle Covering

The topic of requiring a covering for recreational vehicles and trailers was discussed at the September meeting. In researching how other area communities regulate the storage of recreational vehicles and trailers, I was unable to find a regulation requiring covering of such vehicles. The City of North Olmsted ordinances reference covering RV’s, but only state “if covered, must be cover must be specifically designed for recreational vehicles”. For the most part, Wooster’s regulations for the storage of recreational vehicles and trailers are similar or more restrictive than other area communities.

Notification Requirements

Below is a summary of the current and proposed notification requirements of the Planning and Zoning Code. The proposed decrease in notification time, and the additional property owner notification, for zoning amendments will allow amendments to be processed in a more efficient manner while providing additional notification to property owners.

Currently, code amendments take over 4 months from their initial application to their actual effective date. The reduction to a 10 day notification requirement prior to a Council public hearing would reduce the time by two weeks, or a month, depending how meeting dates fall. Any increased notification time for applications to the Planning Commission and BZA would result in changes to filing deadlines, limit staff’s flexibility in accepting applications and likely push applications to the following month’s meeting.

In addition, Planning Commission and Board of Building and Zoning Appeals (BZA) meeting agendas are currently posted at City Hall and on the city website at least one week prior to the meeting date. City Council meeting agendas are currently posted at City Hall and on the city website the week prior to the meeting date.

Summary of Current and Proposed Notification Requirements					
Application	Review Body	Ad in a Local Paper		Letter to Properties Within 200 ft.	
		Current Requirement	Proposed Requirement	Current Requirement	Proposed Requirement
Variance or Appeal	BZA	10 days prior	(No Change)	10 days prior	(No Change)
Conditional Use	Planning Commission	10 days prior	(No Change)	10 days prior	(No Change)
Zoning Amendment	Planning Commission	10 days prior	(No Change)	10 days prior	(No Change)
Zoning Amendment	City Council	30 days prior	10 days prior	None	10 days prior
Exempt Wireless Facility	City Council	NA	14 days prior	NA	14 days prior
Public Facility in a Residential District	City Council	Planning Commission CU	14 days prior	NA	14 days prior

Please feel free to contact me at (330) 263-5238 or adutton@woosteroh.com if you have any questions or concerns regarding the proposed amendments, approval process or the accompanying documents.

PROPOSED PLANNING AND ZONING CODE AMENDMENTS

PROPOSED MISCELLANEOUS AMENDMENTS TO THE FOLLOWING CHAPTERS OF THE PLANNING AND ZONING CODE:

CHAPTER 1115 (SUBMISSION REQUIREMENTS), CHAPTER 1119 (AMENDMENTS), CHAPTER 1125 (GENERAL USE REGULATIONS), CHAPTER 1131 (COMMUNITY FACILITIES DISTRICT), CHAPTER 1133 (SINGLE-FAMILY RESIDENTIAL DISTRICTS), CHAPTER 1135 (MULTI-FAMILY RESIDENTIAL DISTRICTS), CHAPTER 1137 (MANUFACTURED HOME PARK DISTRICT), CHAPTER 1141 (COMMERCIAL DISTRICT REGULATIONS), CHAPTER 1142 (CAMPUS, PROFESSIONAL, RESEARCH AND OFFICE DISTRICT), CHAPTER 1143 (MANUFACTURING DISTRICT REGULATIONS), CHAPTER 1147 (CONDITIONAL USE REGULATIONS), CHAPTER 1149 (NONCONFORMING USES, LOTS AND STRUCTURES), CHAPTER 1163 (ENVIRONMENTAL PROTECTION REGULATIONS), CHAPTER 1165 (LANDSCAPING AND LAND USE BUFFERS), CHAPTER 1171 (SIGN REGULATIONS), CHAPTER 1173 (REGULATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES), AND CHAPTER 1181 (VEHICULAR AND PEDESTRIAN CIRCULATION)

CHAPTER 1115 (SUBMISSION REQUIREMENTS)

1115.11 FINAL AND MINOR DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.

An application for final development plan review shall be required for each phase of development. The application shall include the maps, plans, designs, and supplementary documents itemized below and shall be submitted to the Zoning Administrator. The final/minor development plan shall be drawn to an appropriate scale and shall include:

- (g) A sign concept plan, if required pursuant to Section 1171.078(i);

CHAPTER 1119 (AMENDMENTS)

1119.05 PUBLIC HEARING AND NOTICE BY PLANNING COMMISSION.

- (a) Upon the receipt of an application or resolution or upon the passage of a motion, the Planning Commission shall set a date for a public hearing for reviewing the proposed amendment.
- (b) Whenever a proposed map amendment proposes to rezone 10 or fewer parcels, written notification shall be given by the Zoning Administrator, by first class mail, to the applicant and to all owners of property located within 200 feet of the property proposed to be rezoned or redistricted. Failure of delivery of such notice shall not invalidate any recommendation of the Planning Commission or any subsequently enacted ordinance.
- (c) Notice shall be given in one or more newspapers of general circulation in the City.
- (d) All notices shall be mailed at least 10 days prior to the date of the public hearing.





- (a) *Notice of the public hearing shall be given by the Planning Commission according to the following:*
 - (1) *Notice of the proposed amendment shall be published at least ten (10) calendar days prior to the date of the required public hearing, in one (1) or more newspapers of general circulation in the City.*
 - (2) *If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicates, written notice of the hearing shall be mailed by the Planning Division by first class mail at least ten (10) calendar days prior to the date of the required public hearing to owners of properties proposed to be rezoned or redistricted and property owners within two hundred (200) feet of the proposed property to be rezoned or redistricted. Notice shall be sent to the address of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list. The failure to deliver the notification as provided in this section shall not invalidate any such amendment.*
 - (e3) Notices shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that the opportunity to be heard will be afforded to any person interested.
 - (f) The Commission may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.
 - (c) *During the ten (10) calendar days prior to the public hearing, the text of the proposed amendment, maps or plans, if applicable, shall be on file for public examination in the office of the Planning Division or in such other office as is designated by the Planning Commission.*

1119.09 PUBLIC HEARING AND NOTICE BY CITY COUNCIL.

Upon receipt of the recommendation from the Planning Commission, Council shall set a time for a public hearing on the proposed amendment.

- (a) Notice of the public hearing shall be given by Council according to the following:
 - (1) Notice of the proposed amendment shall be published at least ~~thirty (30)~~ **ten (10) calendar** days prior to the date of the required **public** hearing, in one (1) or more newspapers of general circulation in the City.
 - (2) If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicates, written notice of the hearing shall be mailed by the Clerk of Council by first class mail at least ~~twenty~~ **ten (10)** calendar days before the day of the **required** public hearing to all owners of property~~ies~~ within, contiguous to and directly across the street from such area proposed to be rezoned or redistricted **proposed to be rezoned or redistrict and property owners within two hundred (200) feet of the proposed property to be rezoned or redistricted. Notice shall be sent** to the address of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment.

- (3) Notices shall include the time and place of the public hearing, a summary of the proposed amendment and a statement that the opportunity to be heard will be afforded to any person interested.
- (b) Council may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.
- (c) During the ~~thirty (30)~~ **ten (10) calendar** days prior to the public hearing, the text of the proposed amendment, maps or plans, if applicable, and the recommendation of the Planning Commission shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council.

1

CHAPTER 1125 (GENERAL USE REGULATIONS)

1125.08 PARKING AND USAGE OF RECREATIONAL VEHICLES, TRAILERS AND MOTOR VEHICLES.

- (a) Recreational Vehicles and Trailers. Recreational vehicles **and trailers** may be parked subject to the following conditions provided that no living quarters shall be maintained therein, no business shall be conducted therein and that no permanent connection shall be made to any utilities while such trailer is stored or parked.
 - (1) In residential zoning districts, recreational vehicles **and noncommercial trailers** may **only** be parked or stored outside an enclosed building **for more than seventy-two (72) hours** provided that no such vehicle shall overhang in the public right-of-way, be parked or stored on a public street or alley right-of-way, be located in the required front setback **yard**, or be located in a required side setback **yard** abutting a public right-of-way, **or be located less than ten (10) feet from any property line.** A driveway or parking space may not be constructed in the required front setback **yard**, or side setback **yard** abutting a public right-of-way **or less than ten (10) feet from any property line** for the sole purpose of parking or storing of such vehicles.
 - (2) Recreational vehicles **and trailers** may be parked on the premises **of a residentially zoned property** for ~~less than~~ **seventy-two (72) hours or less** for **loading, unloading or the** accommodation of guests **in a recreational vehicle** provided that the vehicle is not parked on the public street or alley right-of-way.
 - (3) Recreational vehicles **and trailers** shall only be parked in nonresidential zoning districts subject to use regulations and outdoor display and storage regulations of the applicable zoning district.
 - (4) If the recreational vehicle **or trailer** is parked or stored outside, it shall be parked on an impervious surface, such as asphalt or concrete.
 - (5) All recreational vehicles **and trailers** shall be kept in good repair and carry a current year's license or registration.

2

CHAPTER 1131 (COMMUNITY FACILITIES DISTRICT)

1131.01 INTENT.

The Community Facilities District (CF) and its regulations are established in order to accommodate large-scale governmental, civic, educational, recreational facilities and other institutional facilities and their associated uses in a manner that:

- (a) Provides for the proper location and development of community facilities on ten (10) or more acres.
- (b) Ensures that such large-scale community facilities are compatible with surrounding single-family neighborhoods by requiring conditional use review and development plan review **and conditional use approval, as necessary**, for proposed development.
- (c) **Provides for the appropriate location of governmental, civic, educational, recreational, and other institutional uses throughout the city which may be utilized to provide a transition between zoning districts.**
- (ed) Ensures that large-scale institutional uses comply with these objectives by establishing review requirements to ensure that all phases of a large-scale development are consistent with the regulations **of this Planning and Zoning Code**. by:
 - (1) ~~Requiring conditional use review and final development plan review for proposed development of an institution when the proposed development is within 300 feet of a Residential District boundary.~~
 - (2) ~~Requiring final development plan review for proposed development of an institution when the proposed development is not within 300 feet of a Residential District boundary.~~

1131.02 USE REGULATIONS.

- (d) Table of Permitted Uses.

Table 1131.02 Permitted Uses		
Land Use Category	CF Community Facilities District	
	Within 300 feet of a Residential Zoning District Boundary	Greater than 300 feet from a Residential Zoning District Boundary^(B)
(3) Recreation Facilities		
A. Golf course	C	P
B. Outdoor recreation facilities provided by the City of Wooster	P	P
C. Other outdoor community recreation facilities	C	P
D. Public park and/or playground	P	P

Table 1131.02 Permitted Uses		
Land Use Category	CF Community Facilities District	
	Within 300 feet of a Residential Zoning District Boundary	Greater than 300 feet from a Residential Zoning District Boundary ^(a)
E. Theater⁽¹⁾	C	P
<p>Notes to Table 1131.02:</p> <p>^(a)—When included as part of a community facilities development for which a general development plan has been approved: <i>(1) Theaters receiving more than fifty (50) percent of attendance from the screening of motion pictures shall not be permitted.</i></p> <p>P = Principal use permitted by right C = Conditional use A = Accessory use</p>		

5

1131.03 MINIMUM LOT AREA AND WIDTH.

The minimum lot size for a CF District shall be ten (10) acres, and ***The area of land for a lot in the CF district shall be no less than necessary to accommodate principal structures, accessory structures and parking and the required setbacks, buffers and open space. The minimum lot width at the building line shall be 300 one hundred (100) feet.***

3

1131.04 MINIMUM SETBACKS.

All buildings, outdoor activity areas and off-street parking areas shall be located in a manner that maintains the minimum setbacks set forth in this section.

(a) Table 1131.04: Minimum Setback Requirements.

Table 1131.04 Minimum Setback Requirements			
	Buildings	Outdoor Activity Areas	Off-Street Parking ^(a)
(1) Setback from public street right-of-ways	35 feet ^(ab)	35 feet ^(ab)	35 feet
(2) Setback from R-R, R-1, R-2 or R-T district boundary	50 feet ^(b)	100 feet	20 feet
(3) Setback From All Other Lot Lines.	20 feet ^(c)	20 feet	10 feet

NOTES

Table 1131.04 Minimum Setback Requirements			
	Buildings	Outdoor Activity Areas	Off-Street Parking^(a)
<p>Notes to Table 1131.04:</p> <p>(a) Additional parking location standards are found in Section 1131.08(c).</p> <p>(ab) Or a distance equal to the height of the building or structure, whichever is greater.</p> <p>(b) Or a distance equal to the height of the building or structure, or distance equal to one-half the length of the building wall that is parallel to or within 45° of being parallel to the lot line, whichever is greater.</p> <p>(c) Or a distance equal to one-half (1/2) the height of the building or structure, whichever is greater</p>			

- (b) Outdoor activity areas shall include structures such as stadiums, tennis courts, swimming pools, picnic shelters and similar types of facilities.
- (c) Off-Street Parking Areas. Off-street parking areas shall conform to the regulations of Chapter 1169.

1131.06 ACCESSORY STRUCTURE REGULATIONS.

Accessory structures permitted in a CF District shall conform to the regulations of this Section as well as any other applicable Sections in this Planning and Zoning Code.

- (a) Accessory Buildings. Accessory buildings shall conform to all lot and setback regulations for principal buildings and shall be reviewed according to the development plan review procedures set forth in Chapter 1107.
- (b) Fences and Walls. Fences and walls shall comply with the regulations set forth below:
 - (1) Location.
 - A. Fences may be built up to, but not on, the property line, and shall be located entirely on the property of the person constructing it, except property owners, with written permission from abutting property owners, may connect to fences on adjoining properties.
 - B. In order to maintain clear vision lanes for vehicles and pedestrians, no opaque fences shall be permitted within ten (10) feet, in any direction, of the following points:
 - 1. At the intersection of a driveway and sidewalk (or front property line if there is no sidewalk);
 - 2. At the intersection of a driveway and public right-of way;
 - 3. At the intersection of any two driveways.
 - C. All fences shall comply with Section 1125.15, Visibility at Intersections.

(2) Materials and Construction.

- A. Approved fencing materials include **Fences shall be constructed of** stone, brick, finished wood, iron, metal, or synthetic look-alike products. Chain link fences shall be permitted **when not located in the required setback from a public street right-of-way** provided that they are constructed of a dark, neutral-colored, non-reflective vinyl, as approved by the Zoning Administrator or the Planning Commission; whichever is applicable according to the procedures in Chapter 1107.
- B. No fence shall be electrified or constructed of barbed or razor wire.
- ~~C.~~ Only ornamental or decorative fences shall be permitted in front of a building, unless required for screening pursuant to Chapter 1165, Landscaping and Land Use Buffers or other applicable regulations in this Planning and Zoning Code.
- DC.** All fences shall be designed, constructed, and finished so that the supporting members face the property of the owner of the fence.
- ED.** All fences on a single parcel shall have a unified style along a single plane and for all fence segments visible from off the premises from any single direction.

(3) Height. No fence shall exceed eight (8) feet in height in any rear or side yard, or exceed ~~forty-two (42) inches~~ **four (4) feet** in height when located in front of a building, unless otherwise required by this Zoning Code.

(4) Screening and Landscaping.

- A. Screening and landscaping is not required for ornamental fences.
- B. All fences, other than ornamental fences, when visible from public streets, shall be visually softened and reasonably screened from the street with appropriate landscaping as follows:
 - ~~1.~~ Fences that are located within required building and parking setbacks shall be considered appropriately screened when the landscaping required in Section 1165.05, Landscaping along the Street Frontage, is planted within five (5) feet of the fence and between the fence and the property line.
 - ~~2.~~ Fences that are not located within the required setback areas shall be screened with the following landscape materials, planted not more than five (5) feet from the fence and between the fence and the property line:
 - i1. One **(1)** shade tree shall be provided for every fifty ~~(50) thirty (30)~~ **forty (40)** linear feet of fence length or fraction thereof, not including gates or other fence openings. Each tree at the time of installation shall have a minimum caliper of 2.5 ~~includes~~ **two (2) inches** and a clear trunk height of at least six (6) feet;
 - ii2. One **(1)** shrub, that is twenty-four (24) inches in height at planting, shall be provided for every five



~~(5)~~ **ten (10)** feet fence length or fraction thereof, not including gates or other fence openings; and,

~~iii~~**3.** The landscaping may be flexible in its arrangement by appropriately aggregating the required plant materials.

~~C~~**(5).** All fences shall be maintained in good condition, be structurally sound and attractively finished at all times.

~~D~~**(6).** Any proposed fence shall be approved as part of a Development Plan Review in accordance with Chapter 1107.

(c) Signs. Signs shall comply with the regulations specified in Chapter 1171.

1131.07 LANDSCAPING AND SCREENING REQUIREMENTS.

Visual screening and landscape buffers shall be provided for all lots in CF districts in accordance with the provisions set forth in Chapter 1165, Landscaping and Land Use Buffers.

1131.08 DEVELOPMENT AND DESIGN GUIDELINES.

The following development and design guidelines are established to ensure that all proposed development in a CF District complies with the purpose and objectives of this Chapter. The Planning Commission shall review plans for a proposed development giving particular consideration to the following:

(a) General Criteria.

~~(1)~~—Buildings, structures and landscaping should be designed and located on the site and be of a scale and massing to:

~~A~~**(1)** Enhance and protect the character of the surrounding area, especially adjoining residential areas.

~~B~~**(2)** Minimize any adverse influences.

(b) Specific Criteria.

(1) Adequate screening, buffering, and landscaping shall be provided to limit the view of the proposed use, reduce the noise between incompatible land uses, and ease the transition from one **(1)** zoning district to another.

(2) Natural features, especially mature trees, shall be preserved and supplemented with landscaping to buffer and screen adjacent residential districts. The Planning Commission shall consider the setbacks, building mass and type when determining the extent of landscaping required.

(3) When the proposed use abuts or is across the street from a single-family residential zoning district boundary, at a minimum, a thirty-five ~~(35)~~-foot buffer and landscape area shall be provided, between the right-of-way and building and/or parking lot, that contains no structures, with the exception of decorative fencing. **a buffer yard shall be required per Section 1165.07.**

(4) Buildings, which have any facade facing a public street, shall have at least one **(1)** entrance facing the public street or its tangent, if the street is curved. Any facade or building wall facing a public street or its tangent, if the street is curved, shall have a harmonious building fenestration, and in no case shall a wall devoid of openings be visible from a public street.

Blank walls, those devoid of openings such as transparent windows and transparent doors, shall not be permitted on the front façade of any building facing a public right-of-way. Any part of the building that is visible from a public right-of-way or a residential zoning district shall have no more than twenty-five (25) percent 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, column, defined bays, or an undulation of the building.

- (5) Delivery areas and loading zones shall not face a public street and shall be screened from view of residentially-zoned property by the use of walls, berms, and landscaping ***comply with the screening requirements found in Section 1165.08(c).***
 - (6) All power plants, storage or maintenance buildings, which are visible from a public street, shall have a buffer yard of twenty (20) feet. This buffer yard shall contain one **(1)** major tree for every **thirty (30)** lineal feet of frontage or as appropriate to provide a tree canopy over the landscaped area. In addition, four **(4)** feet **foot** high shrubs are required per **thirty (30)** lineal feet of frontage. Ground cover plants must fully cover the remainder of the landscaped area.
 - (7) Ambulance and emergency areas shall not abut a single-family residential district. If an ambulance or emergency area is visible from a public street, it shall have a buffer yard of twenty (20) feet. This buffer yard shall include a six (6) foot high masonry wall along the interior side of the landscaped area. One major tree is required per 30 lineal feet of wall or as appropriate to provide a tree canopy over the landscaped area. In addition, four feet high shrubs are required per 30 lineal feet of wall. Ground cover plants must fully cover the remainder of the landscaped area ***include screening per the requirements found in Section 1165.08(c).***
 - (8) To provide connectivity, sidewalks shall be provided from facilities, which are meant for use by the general public like parks and playgrounds, to the sidewalks in the public rights-of-way.
 - (9) Development plans shall include drawings, renderings, or perspectives of a professional quality that illustrate the scale; massing; roof shape; window size shape and spacing; and exterior materials of the structure. Development plans shall also include samples of building materials.
- (c) Design of Parking Areas.
- (1) The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of residential areas adjacent to the development.
 - (2) Access from public streets to parking areas, service areas, and pedestrian walkways within the development shall be designed to minimize traffic hazards or congestion.
 - (3) Pedestrian connections from the community facilities development to adjacent parcels should minimize adverse intrusions into residential neighborhoods.

NOTES

- (4) Off-street, surface parking areas shall be located behind the front building line provided the Planning Commission, ~~at the time of general development plan review,~~ may grant an exception from this requirement on the basis of the depth of the parcel, the proximity of residentially zoned property, the unusual size or shape of the parcel, the location of mature trees, the location of existing principal buildings, or other similar factors.

1131.09 PERFORMANCE STANDARDS.

In addition to the standards in Chapter 1125, General Use Regulations, all land uses shall comply with the following performance standards:

- (a) Lighting. The placement, orientation, distribution patterns and fixture types of outdoor lighting shall comply with the regulations set forth in Chapter 1167. If the use is located **three hundred (300)** lineal feet or less from a residential zoning district boundary, at the close of business, all illuminated signs and lights not necessary for security purposes shall be extinguished.
- (b) Enclosure. All uses and operations, except off-street parking and loading facilities, shall be performed wholly within enclosed buildings, unless specifically permitted otherwise.
- (c) Outdoor Vending Machines. Within **three hundred (300)** feet of a residential zoning district boundary, there shall be no outdoor vending machines.
- (d) Overhead Utility Lines. All utility lines, electric; telephone; cable TV lines; etc., shall be placed underground.
- (e) Overnight Parking. Within **three hundred (300)** lineal feet of any residential zoning district boundary, there shall be no overnight parking and/or outdoor storage of commercial motor vehicles or buses.
- (f) Stormwater Detention/Retention Facilities. ~~Within 300 feet of a Community Facilities zoning district boundary,~~ Detention/retention facilities that are visible from a public street shall be integrated into a landscaped area. Such landscaped areas shall contain any combination of the following elements: shade and ornamental trees, evergreens, shrubbery, hedges, and/or other planting materials as well as ornamental fencing.

1131.10 APPROVAL PROCEDURES.

All development within a CF District shall be subject to the development plan review requirements set forth in Chapter 1107, and any additional procedures set forth below:

- ~~(a) — A general development plan shall be required for any project that includes multiple buildings or phased development.~~
- ~~(b) — Applications for a proposed conditional use or modifications to an existing conditional use in a CF District shall be reviewed and acted on according to the procedures set forth in Chapter 1107, except as otherwise set forth below for Community Facility Developments.~~
- ~~(c) — Community Facilities Development. Any development that encompasses ten (10) acres or more shall be considered a community facilities development in compliance with the following.~~
 - ~~(1) — Requirements for Community Facilities Development.~~



- A. **(a)** The area of a proposed development shall be in one **(1)** ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed CF boundaries.
 - B. **(b)** All land within a development shall be contiguous in that it shall not be divided into segments by any existing tract of land not owned by the applicant(s) of the community facilities development. Parcels that are located directly across the street from one another shall be considered contiguous.
- (2) ~~A general development plan shall be reviewed and approved for the entire community facilities development according to the procedures set forth in Chapter 1107.~~
- (3) ~~Once a general development plan is approved for a community facilities development, the review and approval of the final development plan(s) for new construction or additions to existing development shall comply with the following:~~
- A. ~~Whenever the area involved is within 300 feet of a CF district boundary that abuts a residential district, the proposed development shall be approved according to the conditional use procedures set forth in Chapter 1107. A final development plan shall be required for the portion of the development involved.~~
 - B. ~~Whenever the area involved is more than 300 feet from a project boundary abutting a residential district, a final development plan shall be reviewed by the Planning Commission according to Chapter 1107 and the proposed project shall not be subject to the conditional use procedures.~~
- (d) ~~Whenever land is rezoned to a CF District at the request of a property owner, a general development plan shall be submitted and approved at the time of rezoning.~~



4

**CHAPTER 1133
(SINGLE-FAMILY RESIDENTIAL DISTRICTS)**

(d) Table 1133.02 Permitted Uses.

Table 1133.02 Permitted Uses			
	R-1 Suburban Single-Family District	R-2 Single-Family District	R-T Traditional Residential District
(2) Community Facilities			
E. Public safety, health or utility facility	EP	EP	EP



NOTES

Table 1133.02 Permitted Uses			
	R-1 Suburban Single-Family District	R-2 Single-Family District	R-T Traditional Residential District
(4) Other Uses			
A. Wireless telecommunication facility	See Chapter 1173		
B. Family day care home, Type B	A	A	A
C. Temporary sales/leasing office or model unit¹	P	P	P
<i>P = Permitted by right C = Conditional A = Accessory -- = Use not permitted in district</i>			
Notes to Table 1133.02:			
¹ <i>Shall be permitted until the initial sale or lease of all dwelling units in the development has been completed or no more than two (2) years after the establishment of the use.</i>			

**CHAPTER 1135
(MULTI-FAMILY RESIDENTIAL DISTRICTS)**

(d) Table 1135.02 Permitted Uses.

Table 1135.02 Permitted Uses		
	R-3	R-4
	Attached Single-Family/Townhouse District	Multi-Family District
2. Community Facilities		
E. Public safety, health or utility facility	CP	CP
4. Other Uses		
B. Temporary sales offices/model unit <i>Sales/leasing office or model unit</i>	P	P



**CHAPTER 1137
(MANUFACTURED HOME PARK DISTRICT)**

(d) Table 1137.02 Permitted Uses.

Table 1137.02 PERMITTED USES IN MANUFACTURED HOME DISTRICT	
	R-5 Manufactured Home
(4) Other	
B. Public safety, health or utility facility	EP



1137.08 FENCES AND WALLS.

Fences and walls shall comply with the fence and wall regulations set forth in sub-section 1141.09 (eb) Fences and Walls, in the Commercial Districts.

CHAPTER 1141 (COMMERCIAL DISTRICT REGULATIONS)

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.

Table 1141.04 Minimum Building Setbacks					
	C-1 Office, Institutional	C-2 Neighborhood Business	C-3 Community Commercial	C-4 Central Business	C-5 General Commercial
(1) Minimum Setback from Street ROW	10 feet ¹	20 feet ¹	20 feet	None ¹	30 feet
(2) Maximum Setback from Street ROW	20 feet	30 feet	NA	10 feet	NA
(3) Setback from Side and Rear Lot line abutting nonresidential district	8 feet ²	8 feet ²	10 feet ²	none	10 feet ²

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Table 1141.04 Minimum Building Setbacks					
	C-1 Office, Institutional	C-2 Neighborhood Business	C-3 Community Commercial	C-4 Central Business	C-5 General Commercial
(4) Setback from Side Lot line abutting residential district	10 feet	10 feet	50 feet	25 feet	50 feet
(5) Setback from Rear Lot line abutting residential district	25 feet	25 feet	50 feet	25 feet	50 feet
Notes to Table 1141.04: ¹ Shall comply with Section 1141.04(c) below. ² Except when buildings share a common wall, then there shall be no setback required. ³ See Section 1125.02 for permitted obstructions within required setbacks or other related open space. ⁴ 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(1)C.					

1141.06 OFF-STREET PARKING REGULATIONS.

Off-street parking areas shall conform to the regulations of Chapter 1169 and to the parking requirements set forth below:

- (a) Table 1141.06 Minimum Parking Setbacks. Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified below unless otherwise noted.

Table 1141.06 Minimum Parking Setbacks					
	C-1 Office, Institutional	C-2 Neighborhood Business	C-3 Community Commercial	C-4 Central Business	C-5 General Commercial
(1) Minimum Setback from Street ROW	Behind front building line	Behind front building line	10 feet	Behind front building line	20 feet
(2) Setback from Side and Rear Lot line abutting nonresidential district	8 feet	8 feet	8 feet	8 feet	10 feet
(3) Setback from Side and Rear Lot line abutting residential district	10 feet	10 feet	20 feet	10 feet	20 feet

1141.09 ACCESSORY STRUCTURE REGULATIONS.

Accessory structures permitted in any commercial district shall conform to the regulations in this Section as well as any other applicable provisions in this Planning and Zoning Code:

- (a) Accessory Buildings. The height of the accessory building shall not exceed twenty (20) feet. Accessory buildings that have a gross floor area of 200 square feet or less shall be located in a side or rear yard and shall comply with the parking setbacks set forth in Table 1141.06. All other buildings shall be considered principal buildings and shall conform to all lot and setback regulations and development plan review and approval requirements of the zoning district in which the lot is located. *Accessory buildings shall be located in a rear or side yard and shall be located on the same lot as the principle building. The height of accessory buildings shall not exceed twenty (20) feet.*
 - (1) *Accessory buildings that have a gross floor area of two hundred (200) square feet or less shall comply with the parking setbacks set forth in Table 1141.06.*
 - (2) *Accessory buildings that have a gross floor area of greater than two hundred (200) square feet shall comply with the building setbacks found in Table 1141.04. The indicated Maximum Setback from the Street ROW found in Table 1141.04 shall not apply to accessory buildings.*

**CHAPTER 1142
(CAMPUS, PROFESSIONAL, RESEARCH AND OFFICE DISTRICT)**

1142.02 USE REGULATIONS.

(d) Table 1142.02 Permitted Uses.

Table 1142.02 Permitted Uses	
	CPRO
(4) Community Facilities/Other	
H. Scientific research, development, training and testing facility	<i>CP</i>



1142.07 ACCESSORY STRUCTURE REGULATIONS.

Accessory structures permitted in the CPRO district shall conform to the regulations in this Section as well as any other applicable Sections *provisions in this Planning and Zoning Code:*

- (a) Accessory Buildings. The height of the accessory building shall not exceed twenty (20) feet. Accessory buildings that have a gross floor area of 200 square feet or less shall be located in a side or rear yard and shall comply with the parking setbacks set forth in Table 1142.06. All other buildings shall be considered principal buildings and shall conform to all lot and setback regulations and development plan review and approval requirements of the zoning district in which

NOTES

the lot is located. *Accessory buildings shall be located in a rear or side yard and shall be located on the same lot as the principle building. The height of accessory buildings shall not exceed twenty (20) feet.*

(1) *Accessory buildings that have a gross floor area of two hundred (200) square feet or less shall comply with the parking setbacks set forth in Table 1142.06.*

(2) *Accessory buildings that have a gross floor area of greater than two hundred (200) square feet shall comply with the building setbacks found in Table 1142.04.*

CHAPTER 1143 (MANUFACTURING DISTRICT REGULATIONS)

1143.02 USE REGULATIONS.

(d) Table of Permitted Uses.

	M-1 Office/Limited Manufact'g	M-2 General Manufact'g	M-3 Urban Manufact'g	M-4 Open Space/ Heavy Manufact'g
(5) Other Use Types:				
A. Agriculture	--	P	--	P
B. Commercial recreation, indoor	C	C	--	--
BC. Crematorium	--	P	--	P
CD. Mineral excavation, quarry operations	--	C	--	P
DE. Plant nursery/greenhouse	--	P	--	P
EF. Public-safety service/maintenance facility	P	P	P	P
FG. Utility substation/distribution facility, indoor & outdoor	P	P	P	P
GH. Public safety, health or utility facility	P	P	P	P
HI. Campgrounds	--	C	--	P
IJ. Recycling collection/processing facility	--	C	--	P
JK. Radio and TV Stations	--	P	--	P
KL. Wireless telecommunication facility	See Chapter 1173			

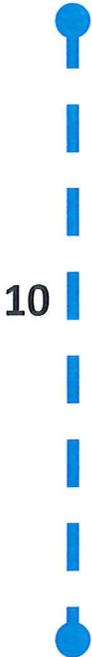


1143.06 OFF-STREET PARKING AND LOADING REGULATIONS.

Off-street parking areas shall conform to the regulations of Chapter 1169 and to the parking requirements specified in Table 1143.06 below.

- (a) Table 1143.06 Minimum Parking Setbacks. Off-street parking shall be located in compliance with the minimum setbacks, measured from the street right-of-way or property line, as specified below unless otherwise noted.

Table 1143.06 Minimum Parking Setbacks				
	M-1 Office/Limited Manufact'g	M-2 General Manufact'g	M-3 Urban Manufact'g	M-4 Open Space/ Heavy Manufact'g
(1) Minimum Setback from Street ROW	Behind front building line 20 feet¹	25 feet ¹	10 feet	40 feet
(2) Setback from Side and Rear Lot line abutting nonresidential district	10 feet	10 feet	8 feet	20 feet
(3) Setback from Side and Rear Lot line abutting residential district	50 feet	50 feet	25 feet	100 feet
Notes to Table 1143.06: ¹ Except when lot is part of a new industrial subdivision and fronts on a new interior street, then the minimum setback shall be 20 feet. Properties located across the street from residential districts shall have a minimum setback of 40 feet from the street right-of-way.				



1143.08 ACCESSORY STRUCTURE REGULATIONS.

Accessory structures permitted in any manufacturing district shall conform to the regulations of this Section and any other applicable regulation **provisions** in this Planning and Zoning Code.

- (a) Accessory Buildings. The height of the accessory building shall not exceed twenty (20) feet. Accessory buildings that have a gross floor area of 200 square feet or less shall be located in a side or rear yard and shall comply with the parking setbacks set forth in Table 1142.06. All other buildings shall be considered principal buildings and shall conform to all lot and setback regulations and development plan review and approval requirements of the zoning district in which the lot is located. **Accessory buildings shall be located in a rear or side yard and shall be located on the same lot as the principle building. The height of accessory buildings shall not exceed twenty (20) feet.**
 - (1) **Accessory buildings that have a gross floor area of two hundred (200) square feet or less shall comply with the parking setbacks set forth in Table 1143.06.**

NOTES

(2) *Accessory buildings that have a gross floor area of greater than two hundred (200) square feet shall comply with the building setbacks found in Table 1143.04.*

CHAPTER 1147 (CONDITIONAL USE REGULATIONS)

1147.05 CONDITIONAL USES IN SINGLE-FAMILY DISTRICTS.

Table 1147.05 sets forth regulations governing minimum lot area, minimum lot width and minimum setback requirements for principal and accessory buildings and parking areas for conditional uses in residential districts. Supplemental requirements pertaining to such uses are set forth in Section 1147.09, and the specific sub-sections are referenced in Table 1147.05 below.

**Table 1147.05
Regulations For Conditional Uses in Single-Family Districts**

Conditional use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Minimum Building Setbacks ⁽¹⁾		Minimum Parking Setbacks ⁽¹⁾		Also See Section:
		Area ⁽²⁾	Width	Front	Side/Rear	Front	Side/Rear	
6. Golf Course	R-1, R-2	25 acres	400 ft	50 ft	40 ft	NP	20 ft	1147.09 (wv)
7. Library, cultural institution	R-T, R-2	2 acres	200 ft	(3)	30ft	NP	10 ft	1147.09(g)
8. Place of worship/church	R-1, R-2, R-T	2 acres	200 ft	(3)	30ft	NP	10 ft	1147.09(g)
9. Public safety, health or utility facility	R-1, R-2, R-T	$\frac{2}{2}$ acres ⁽⁴⁾	200 ft ⁽⁴⁾	(3)	30ft	NP	10 ft	1147.09(u)
10. School facility (public/private) elementary/secondary	R-1, R-2, R-T	2 acres	200 ft	(3)	30ft	NP	10 ft	1147.09 (eebb)
11. Single-family attached dwellings	R-T	10,000 sq. ft.	70 ft	See Table 1147.09				1147.09 (hjj)
12. Two-family dwelling	R-2	8,700 sq. ft.	70 ft	(3)	(3)	NP	5 ft	1147.09 (iigg)
13. Two-family dwelling conversion from SF dwelling	R-2	(3)	(3)	(3)	(3)	(3)	(4)(5)(6)	1147.09 (hhff)
14. Utility substation/distribution facility, indoor	R-1, R-2, R-T	None	None	(3)	30ft	NP	10 ft	1147.09 (jjhh)
15. Wireless telecommunication facility	See Chapter 1173							



Conditional use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Minimum Building Setbacks ⁽¹⁾		Minimum Parking Setbacks ⁽¹⁾		Also See Section:
		Area ⁽²⁾	Width	Front	Side/Rear	Front	Side/Rear	
<p>Notes to Table 1147.05:</p> <p>(1) Uses shall comply with the standards in this table or the corresponding district standard whichever is greater.</p> <p>(2) Parcel size devoted to the use shall not exceed 10 acres.</p> <p>(3) Shall comply with the regulations for the district in which the conditional use is located.</p> <p>(4) The minimum lot regulations of this section shall not apply to a public utility distribution or storage facility.</p> <p>(5) Parking spaces for more than 2 vehicles shall be located in the rear yard.</p> <p>(6) Shall comply with the side yard setback requirements for principal buildings.</p> <p>NP = Not Permitted</p>								

1147.06 CONDITIONAL USES IN MULTI-FAMILY AND MANUFACTURED HOME PARK DISTRICTS.

Table 1147.06 sets forth regulations governing minimum lot area, minimum lot width and minimum setback requirements for principal and accessory buildings and parking areas for conditional uses in the Multi-family and Manufactured Home Park districts. Supplemental requirements pertaining to such uses are set forth in Section 1147.09, and the specific sub-sections are referenced in Table 1147.06, below.

**Table 1147.06
Regulations For Conditional Uses in Multi-Family and Manufacture Home Park Districts**

Conditional use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Minimum Building Setbacks ⁽¹⁾		Minimum Parking Setbacks ⁽¹⁾		Also See Section:
		Area	Width	Front	Side/Rear	Front	Side/Rear	
7. Public safety, health or utility facility	R-3, R-4, R-5	2 acres ⁽³⁾	200 ft ⁽³⁾	(2)	20 ft	(2)	10 ft	1147.09 (u)
8 7. Residential facility for 9-16 persons	R-3, R-4	20,000 sq ft	100 ft	(2)	20 ft	(2)	10 ft	1147.09 (zy)
9 8. School, (public or private) elementary/secondary	R-3, R-4	2 acres	200 ft	(2)	20 ft	(2)	10 ft	1147.09 (ee) bb
10 9. Utility substation/distribution facility, indoor	R-3, R-4	None	None	(2)	40 ft	(2)	15 ft	1147.09 (jj) hh
11 10. Wireless telecommunication facility	See Chapter 1173							

<p>Notes to Table 1147.06:</p> <p>(1) Uses shall comply with the standards in this table or the corresponding district standard whichever is greater.</p> <p>(2) Shall comply with the regulations for the district in which the conditional use is located.</p> <p>(3) The minimum lot regulations of this section shall not apply to a public utility distribution or storage facility.</p>								
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1147.07 CONDITIONAL USES IN COMMERCIAL DISTRICTS.

Table 1147.07 sets forth regulations governing minimum lot area and minimum lot width requirements for conditional uses in a commercial district. Supplemental requirements pertaining to such uses are set forth in Section 1147.09, and the specific subsections are referenced in Table 1147.07, below.

**Table 1147.07
Regulations for Conditional Uses In Commercial Districts**

Conditional Use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Also See Section:
		Area	Width	
6. Commercial recreation, outdoor	C-5, CPRO	2 acres	200 ft	1147.09(vu)
7. Day care facility, child and/or adult	C-1	(2)	(2)	1147.09(k)
8. Drive-thru facility in association with a permitted use	C-2, C-3, C-4, C-5	1 acre	125 ft	1147.09(l)
9. Financial institution	CPRO	(2)	(2)	1147.09(m)
10. Gasoline station / pumps	C-2, C-3, C-4	1 acre	150 ft	1147.09(c)
11. Hospital	C-3	5 acres	400 ft	1147.09(o)
12. Library, cultural institution	C-1, C-4, CPRO	(2)	(2)	1147.09(g)
13. Motor vehicle sales and rental	C-5	2 acres	200 ft	1147.09(c)
14. Multi-family dwelling development	C-3, C-5	2 acres	200 ft	1147.09(r)
15. Places of worship, church	C-1, CPRO	(2)	(2)	1147.09(g)
16. Public park	CPRO	(2)	(2)	1147.09(vu)
17. Public use parking lot	C-1, C-2, C-4	(2)	(2)	1147.09(t)
18. Public Transportation Terminal	C-4	(2)	(2)	1147.09 (kkii)
19. School, (public or private) college/ university	C-3, C-4, C-5	10 acres	300 ft	1147.09 (aaz)
20. School, specialty, personal instruction	C-3, C-4	(2)	(2)	1147.09 (ddcc)
21. School, (public or private) elementary/secondary	C-1	2 acres	200 ft	1147.09 (eebb)
22. Scientific research, development, training & testing facility	CPRO	(2)	(2)	1147.09 (ee)
2322. Self-storage facility, indoor	C-5	2 acres	200 ft	1147.09 (ffdd)
2423. Service establishment, business	C-1	(2)	(2)	1147.09 (ggee)
2524. Service establishment, personal	C-1	(2)	(2)	1147.09 (ggee)



Conditional Use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Also See Section:
		Area	Width	
2625. Single-family attached dwellings	C-4	10,000 sq ft	70 ft	1147.09 (Hjj)
2726. Theater, Movie Indoor	C-4	(2)	(2)	1147.09(h)
2827. Utility substation/distribution facility, indoor	C-1, C-2, C-3, C-4, C-5, CPRO	none	none	1147.09 (jjhh)
2928. Vehicle repair garage	C-5	2 acres	200 ft.	1147.09(c)
3029. Wireless telecommunication facility	See Chapter 1173			

5

1147.08 REGULATIONS FOR CONDITIONAL USES IN MANUFACTURING DISTRICTS.

Table 1147.08 sets forth regulations governing minimum lot area and minimum lot width requirements for conditional uses in an industrial district. Supplemental requirements pertaining to such uses are set forth in Section 1147.09, and the specific subsections are referenced in Table 1147.08, below.

**Table 1147.08
Regulations For Conditional Uses In Manufacturing Districts**

Conditional Use	Conditional Use in District	Minimum Lot Regulations ⁽¹⁾		Also See Section: Area
		Area	Width	
1. Car wash	M-1	1 acre	125 ft	1147.09(e)
2. Commercial Recreation, Indoor	M-1, M-2	1 acre	125 ft	1147.09(h)
23. Drive-thru, -drive-in facilities in association with a permitted use	M-1	1 acre	125 ft	1147.09(l)
34. Financial institution	M-1, M-3	1 acre	125 ft	1147.09(m)
45. Gasoline station	M-1, M-2	1 acre	125 ft	1147.09(c)
56. Kennel with outdoor run	M-1, M-2	2 acres	200 ft	1147.09(p)
67. Mineral excavation, quarry operations	M-2	20 acres	250 ft	1147.09(q)
78. Outdoor recreation, including campgrounds	M-2	10 acres	300 ft	1147.09(vu)
89. Outdoor storage of fleet vehicles/equipment used in operation of principal use	M-2	(2)	(2)	1147.09(s)
910. Recycling collection/processing facility	M-2	2 acres	200 ft	1147.09(xw)
1011. Restaurant or other type of eating and drinking establishment	M-1, M-3	(2)	(2)	1147.09(yx)
1112. Service establishment, personal	M-1	(2)	(2)	1147.09(ggee)
1213. Self-storage facility, indoor	M-2, M-4	2 acres	200 ft	1147.09(ffdd)
1314. Wireless telecommunication facility	See Chapter 1173			

9

NOTES

1147.09 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES.

The following are specific conditions, standards and regulations for certain conditional uses and are in addition to the criteria and standards set forth in Sections 1147.02 through 1147.08.

(h) Commercial Recreation, Indoor; Movie Theater, Indoor:

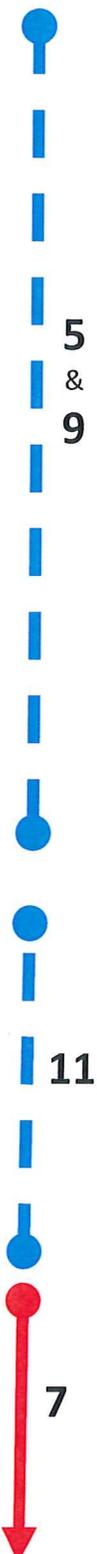
- (1) The proposed use shall not generate excessive noise beyond the premises.
- (2) In order to minimize any effects of the above, the Planning Commission may require additional noise reduction measures to assure that the level of noise is no more than the prevailing noise levels of permitted uses in the District.
- (3) Buildings in which ~~dance floor/~~ **outdoor** entertainment is provided shall be located a minimum of **one hundred (100) feet from an adjacent residential district or be oriented to sufficiently direct sound away from an adjacent residential district.**
- (4) The Planning Commission may limit the hours of operation to ensure that the proposed use is compatible with the surrounding uses.
- (5) Such uses shall be located on an arterial or collector street or ~~have direct access to~~ **be within three hundred (300) feet from** an arterial or collector street.
- (6) Requirements in the C-4 District. Such establishments shall be located so as to minimize the amount of space located in a retail setting that is inactive during normal business hours. Such facilities are encouraged to have associated retail uses located in the first floor space nearest the street or sidewalk to contribute to the retail environment of the zoning district.
- (7) ***Requirements in Manufacturing Districts. Such indoor commercial recreation establishments shall be similar in scale to area structures in the manufacturing zoning district. Principle buildings shall be no less than twenty thousand (20,000) square feet in area.***

(t) Parking Lot for Public Use.

- (1) Surface parking lots shall be setback ten (10) feet from any property line that is adjacent to a public street ***right-of-way and shall meet the applicable setbacks of Section 1141.06(a) from all other property lines.*** In this setback, a masonry knee wall, which is a minimum of four (4) feet in height, shall be constructed and landscaping provided in front of the wall, which meets the requirements in sub-section 1165.06 (b), Perimeter Landscaping Requirements. ***Landscaping and screening of surface parking lots shall meet the requirements of Section 1165.06.***
- (2) Openings for parking access from a public right-of-way shall be a maximum of twenty-five (25) feet wide.

(u) Public Safety, Health or Utility Facility:

- (1) In residential districts, facilities shall be limited to structures that are essential for the distribution of services to the local area.
- (2) Outdoor storage of fleet vehicles used in the operation of the facility may be permitted provided such storage areas are located in the side or rear yard in off-street parking areas and are screened in accordance with Section 1165.07(g), Screening.



- (3) — The areas devoted to the outdoor storage of fleet vehicles shall be enclosed with a fence having a minimum height of six (6) feet.
- (vu) Recreation Facilities Including: Commercial Recreation, Outdoor; Public Park, Playground; Public Swimming Pool; Golf Course, Except Miniature Golf; Campgrounds:
(No changes to the text of this section)
- (wv) Golf courses, including tees, fairways, greens and golf driving ranges shall be designed and landscaped in such a manner as to reasonably prevent a misfired ball from landing out of the golf course.
(No changes to the text of this section)
- (xw) Recycling Collection/Processing Facility.
(No changes to the text of this section)
- (yx) Restaurant.
(No changes to the text of this section)
- (zy) Residential Facility for 9-16 Persons.
(No changes to the text of this section)
- (aaz) School, (Public/Private) College/University.
(No changes to the text of this section)
- (bbaa) School, Commercial, Business or Trade.
(No changes to the text of this section)
- (eebb) School, (Public/Private) Elementary/Secondary.
(No changes to the text of this section)
- (ddcc) School, Specialty, Personal Instruction.
(No changes to the text of this section)
- (ee) — Scientific Research, Development, Training, and Testing Facility:
- (1) — All activities, excluding accessory parking and loading facilities, shall occur within an enclosed building.
 - (2) — Where the site is adjacent to a residential district, hours of operation may be restricted.
 - (3) — No exterior odor, dust, noise, or other objectionable impacts shall be produced as a result of the use.
 - (4) — Parking shall be located behind the front line of the principal building. The Planning Commission may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.
- (ffdd) Self-Storage Facility.
(No changes to the text of this section)
- (ggee) Service Establishment, Business/Personal.
(No changes to the text of this section)
- (hhff) Two-family Dwelling Conversion from SF Dwelling.
(No changes to the text of this section)
- (iigg) Two-Family Dwelling – New Construction in the R-2 District and C-5 District.
(No changes to the text of this section)
- (jjhh) Utility Substation/Distribution Facility: Indoor and Outdoor.
(No changes to the text of this section)



NOTES

- (kk*ii*) Public Transportation Terminal.
(No changes to the text of this section)
- (H*jj*) Single-Family Attached Dwellings.
(No changes to the text of this section)

CHAPTER 1149 (NONCONFORMING USES, LOTS AND STRUCTURES)

1149.07 NONCONFORMING SIGNS.

A sign, lawfully existing at the time this Planning and Zoning Code, or any amendment thereto, became or becomes effective, but which fails to conform to the sign regulations of the district in which it is located is a nonconforming sign. Nonconforming signs shall comply with the regulations set forth in Section 1171.09**10**, Regulations for Nonconforming Signs.

CHAPTER 1163 (ENVIRONMENTAL PROTECTION REGULATIONS)

1163.05 BUILDINGS IN THE FLOODPLAIN.

- (a) No residential dwelling or part thereof, except for campgrounds per sub-section 1143.02 (d) E-9:**(5)(I)**, shall be erected within the 100-year floodplain as designed by the Flood Insurance Study prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration or the latest acceptable study on the floodplain.
 - (1) In the event a recreational dwelling is built within the floodplain, then the dwelling shall be built above the floodstage, or if the recreational dwelling is stilted, then the main structure of the dwelling shall be built above the floodstage.

CHAPTER 1165 (LANDSCAPING AND LAND USE BUFFERS)

1165.08 SCREENING OF ACCESSORY USES.

Screening of accessory uses shall be provided according to the following:

- (c) Loading Areas. Permitted loading areas shall be screened from the public right-of-way and abutting properties **in nonmanufacturing zoning districts** per the following:
 - (1) Screening shall be composed of either a wall or fence according to the requirements set forth in the subject property's zoning district or dense landscaping with no less than eighty (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 forty (40) feet in such required screening shall be permissible to allow for ingress and egress to a loading area.

CHAPTER 1171 (SIGN REGULATIONS)

1171.04 SIGNS IN NONRESIDENTIAL DISTRICTS.

Signs in nonresidential districts shall conform to the standards set forth in this Section, except for residential uses, which shall comply with the standards set forth in Section 1171.05 Signs in Residential Districts.

(d) Temporary Signs In Nonresidential Districts. The following regulations for temporary signs in non-residential districts are in addition to the maximum sign area and height regulations set forth in Section 1171.04. ***A sign permit shall be required per Section 1171.11(c), however, the regulations of this Chapter shall apply to all temporary signs in nonresidential districts, whether or not a permit is required.***

- (1) ~~Project Real Estate/Construction Signs.~~ A project real estate or construction sign for a development project shall be permitted only in compliance with the following:
 - A. ~~One project real estate or construction sign shall be permitted for each street on which the lot has frontage.~~
 - B. ~~Such sign shall be located a minimum of 3 feet from any street right-of-way.~~
 - C. ~~A project real estate or construction sign shall be erected and maintained on a lot only during the period of time that the parcel is up for sale, rent, or lease or the building project is under construction. Such temporary sign shall be removed within two (2) business days of installation of the permanent identification sign.~~
 - D. ~~The maximum sign area shall be forty (40) square feet.~~
- (2) ~~Temporary Window Signs.~~ Temporary window signs shall be attached to the interior of the building and shall comply with the following:
 - A. ~~The area of temporary window signs, either affixed thereto or visible from the outside, shall not exceed the percentage of the window area as set forth in Section 1171.04 (b)(1), Window Sign. This area is in addition to the allowable sign area for identification signs that are permanently attached to windows.~~
 - B. ~~All temporary window signs shall be displayed no longer than 30 days after placement, after which time such sign shall be removed. Temporary window signs shall only be displayed a maximum of four (4) times in a calendar year.~~
- (3) ~~Other Temporary Signs.~~ A temporary sign, whether a freestanding sign; a banner attached to the front of the building; or a portable sign, shall be permitted for not more than four (4) times per calendar year, not to exceed a period of more than thirty (30) days each time. Such signs may be permitted for a period longer than thirty (30) days only when the Planning Commission approves an extended time frame. The maximum area for freestanding or banner signs shall be forty (40) square feet. The maximum height for freestanding signs shall be six (6) feet.

12

- ~~(4) Additional Regulations for Portable Signs. Portable signs shall not be permitted in the C-4 District. The maximum area shall be thirty-two (32) square feet, and the maximum height shall be six (6) feet.~~
- ~~(5) Temporary Signs in C-4 District. Only sandwich board signs and similar types of temporary signs shall be permitted in the C-4 District. Such signs shall be placed no more than five feet from the front of the building and may encroach upon the public right-of-way provided an unobstructed walkway is reserved for public passage. Such signs shall not exceed three (3) feet in height or two (2) feet in width. Sandwich board signs must be placed indoors at the close of each business day. The Zoning Administrator shall approve all such signs.~~
- ~~(6) Setbacks. All temporary freestanding signs shall be located no closer than three (3) feet from the street right-of-way line and three (3) feet from a side lot line, unless specifically regulated otherwise.~~

(1) Temporary Signs. A temporary sign attached to a building, freestanding on a property or otherwise visible through a window or door shall be permitted in compliance with the following, in addition to temporary signs specified in Sections (2), (3) and (4) below:

- A. No more than one (1) temporary sign shall be permitted at a time for each business located on a property.**
- B. An occurrence of displaying a temporary sign shall not exceed forty-five (45) consecutive days. No more than two (2) separate occurrence of displaying a temporary sign shall be permitted in a calendar year.**
- C. The maximum sign area shall be forty (40) square feet and the total sign height shall be a maximum of six (6) feet.**
- D. A sign visible from the outside through a window or door, or placed on the outside of a window, shall be included in the glass area calculation found in Section 1171.04(b)(1).**
- E. Freestanding signs shall be located no less than three (3) feet from the street right-of-way or a property line.**
- F. Freestanding signs shall not be permitted in the C-4 District except as noted in Section 1171.04(d)(4).**

(2) Real Estate for Sale or Lease Signs. A temporary sign announcing the sale or lease of real estate shall be permitted in compliance with the following:

- A. Available real estate shall be permitted no more than one (1) sign along each street on which the lot has frontage.**
- B. For properties less than two (2) acres in area, the maximum sign area shall be twenty (20) square feet and the total sign height shall not exceed six (6) feet.**
- C. For properties two (2) acres or larger, the maximum sign area shall be forty (40) square feet and the total sign height shall not exceed twelve (12) feet.**
- D. A sign shall be displayed only when the subject real estate is actively for sale or lease and shall be removed no more than fourteen (14) days after the sale or lease of the property.**

- E. *Freestanding signs shall be located no less than three (3) feet from the street right-of-way or a property line.*
- (3) *Project Real Estate/Construction Signs. A project real estate or construction sign for a real estate or construction project shall be permitted in compliance with the following:*
 - A. *A project shall be permitted no more than one (1) sign along each street on which the lot has frontage.*
 - B. *The maximum sign area shall be forty (40) square feet and the total sign height shall be a maximum of twelve (12) feet.*
 - C. *A project real estate or construction sign shall be erected and maintained on a lot only during the period of time that the project is under construction. Such temporary sign shall be removed within two (2) business days of installation of the permanent identification sign.*
 - D. *Freestanding signs shall be located no less than three (3) feet from the street right-of-way line or a property line.*
- (4) *Sandwich Board Signs in the C-4 District. Sandwich board signs and similar types of temporary signs shall be permitted on a public sidewalk in the C-4 zoning district in compliance with the following:*
 - A. *No more than one (1) sign shall be permitted per business. No other freestanding temporary signs shall be permitted for a business utilizing a sandwich board sign.*
 - B. *The sign shall be located no more than five (5) feet from the entrance of the subject business. The sign may encroach upon the public right-of-way provided that an unobstructed walkway of no less than four (4) feet is available on the public sidewalk.*
 - C. *Such signs shall not exceed three (3) feet in height or two (2) feet in width.*
 - D. *Sandwich board signs shall be placed indoors at the close of each business day.*

12

1171.05 SIGNS IN RESIDENTIAL DISTRICTS.

Signs for all residential uses and for nonresidential uses in residential districts shall comply with the regulations set forth in this Section.

- (c) ~~Supplemental Regulations for Temporary Signs: Temporary signs are permitted in Residential Districts subject to the following provisions~~ *Temporary Signs in Residential Districts. The following regulations for temporary signs in residential districts are in addition to the maximum sign area and height regulations set forth in Section 1171.05. A sign permit shall be required per Section 1171.11(c), however, the regulations of this Chapter shall apply to all temporary signs in residential districts, whether or not a permit is required.:*

- (1) ~~Temporary Signs for Individual Lots in R-1, R-2, R-T, R-3, R-4, and R-5 Residential Districts:~~ *Residential Uses. A temporary sign freestanding on a property or otherwise visible through a window or door shall be permitted in compliance with the following, in addition to temporary signs specified in Sections (3) and (4) below and Section 1171.06:*



- A. Each residential unit shall be permitted to erect **one (1)** temporary signs either in a window or as a freestanding sign in the front yard. The area of **a** each temporary signs shall not exceed six (6) square feet. Such temporary sign shall be displayed for no longer than 30 days, after which time such sign shall either be removed or replaced. **An occurrence of displaying a temporary sign shall not exceed forty-five (45) consecutive days. No more than two (2) separate occurrence of displaying a temporary sign shall be permitted in a calendar year.**
- ~~B.~~ Temporary signs for commercial uses shall not be permitted in residential districts except **garage or yard sale signs per Section 1171.06** that one temporary sign promoting a garage sale or a **sign for a contractor working on-site** shall be permitted. Such sign shall be posted on private property for a period not to exceed seven (7) calendar days, on not more than two separate occasions in any given calendar year **per the requirements of Section 1171.05(c)(1).**
- B.C. Temporary freestanding signs shall be located at least three (3) feet from a public right-of-way or a side lot **property** line.
- D. The height of temporary freestanding signs shall not exceed four (4) feet.
- (2) **Temporary Signs for Non-Residential Uses. A temporary sign attached to a building, freestanding on a property or otherwise visible through a window or door shall be permitted in compliance with the following, in addition to temporary signs specified in Sections (3) and (4) below:**
 - A. **No more than one (1) temporary sign shall be permitted at a time on a property.**
 - B. **An occurrence of displaying a temporary sign shall not exceed forty-five (45) consecutive days. No more than two (2) separate occurrence of displaying a temporary sign shall be permitted in a calendar year.**
 - C. **The maximum sign area shall be twelve (12) square feet and the total sign height shall be a maximum of six (6) feet.**
 - D. **A sign visible from the outside through a window or door, or placed on the outside of a window, shall be included in the glass area calculation found in Section 1171.04(b)(1).**
 - E. **Freestanding signs shall be located no less than ten (10) feet from the street right-of-way or a property line.**
- (3) **Real Estate for Sale or Lease Signs. A real estate for sale or lease sign shall comply with the requirements of Section 1171.04(d)(2).**
- (24) **Project Real Estate /Construction Signs. A project **real estate** or construction sign shall comply with the following: **requirements of Section 1171.04(d)(3).**
 - A. Such signs shall be located a minimum of three (3) feet from any street right-of-way.
 - B. A project or construction sign may be erected and maintained on a lot only during the period of time that the parcel is up for sale, rent, or lease or the building project is under construction. Such temporary sign shall be removed within two (2) business days of installation of the permanent identification sign.**

- C. ~~The maximum area shall be thirty-two (32) square feet, and the maximum height shall be six (6) feet.~~
- (3) ~~Other Temporary Signs for Non-residential Uses.~~ Such signs shall comply with the following:
 - A. ~~One temporary freestanding sign or one banner attached to the front of the building shall be permitted for a period not to exceed fourteen (14) days, four times per calendar year. Such signs may be permitted for a period longer than 14 days only when the Planning Commission approves an extended time frame. The maximum area shall be twelve (12) square feet.~~
 - B. ~~A temporary freestanding sign shall be located no closer than 10 feet from the street right-of-way line or a side lot line.~~



1171.10 REGULATIONS FOR NONCONFORMING SIGNS.

- (a) Maintenance of Nonconforming Signs. Nonconforming signs shall be maintained in good condition pursuant to Section 1171.089(c), Maintenance, and may continue until such sign is required to be removed as set forth in this Chapter.

1171.11 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) *A sign permit shall be required for the erection, location, relocation, alteration, or replacement of a sign per Section 1171.11(c). All signs are subject to provisions of this Chapter, whether or not a sign permit is required.*
 - (12) When any person other than the owner of the property submits a sign *permit* application, the owner of the property or a designated agent for the owner shall also sign such application.
 - (23) 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.
 - (34) Approved signage proposals will receive from the Zoning Administrator a *Ssign Ppermit*.
- (c) Table 1171.11 Administrative Requirements.

Table 1171.11 Administrative Requirements		
Sign Type	Sign Permit Required	Sign Permit Not Required
<i>Address</i>		<i>X</i>
Building, Permanent	X	

Table 1171.11 Administrative Requirements		
Sign Type	Sign Permit Required	Sign Permit Not Required
Construction		X
Entrance or Exit	X	
Freestanding, Permanent	X	
Instructional		X
Address-Sign		X
<i>Project Real Estate/Construction</i>	<i>X</i>	
<i>Real Estate for Sale or Lease</i>		<i>X</i>
<i>Sandwich Board</i>		<i>X</i>
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.
- (e) Prohibited signs located in the public right-of-way, as indicated in Section 1171.067(a) of this Planning and Zoning Code, shall be immediately removed by the City in order to maintain a public right-of-way which is safe and unobstructed.

**CHAPTER 1173
(REGULATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES)**

1173.03 PERMITTED LOCATIONS.

A wireless telecommunications tower or facility is permitted in the following areas when in compliance with these regulations and approved by the Planning Commission according to the procedures set forth in Chapter 1107. Efforts shall be made to locate in the order of priority listed below. If a location other than the most preferred location is proposed, the applicant shall demonstrate to the Planning Commission that a technically suitable, higher priority location is not available and that the proposed location is needed to meet the reasonable service requirements of the applicant.

- (a) *In all zoning districts,* New wireless antennas may collocate on existing telecommunication towers or on existing structures, which have been constructed

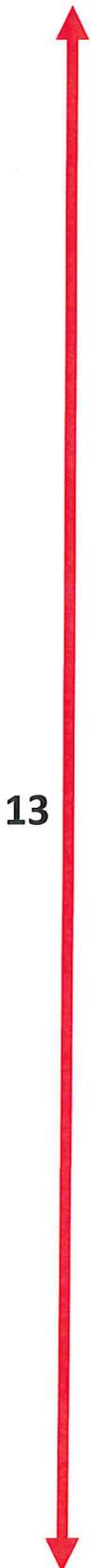
for other purposes, such as but not limited to water towers, church towers, electric transmission towers, chimneys, and cooling towers.

- (b) A wireless telecommunication tower **or facility** may be located in an **M-1**, M-2 and M-4 zoning districts; when located a distance at least **two (2)** times the height of the tower from a residential district.
- (c) A wireless telecommunication tower **or facility** may be located within a recorded electric high tension power line easement, provided that the tower shall not exceed the height of the existing high tension power line towers by more than **ten (10)** feet and the wireless telecommunication tower shall be located within **forty (40)** feet of such existing high tension power line towers.
- (d) A ~~W~~ireless ~~T~~elecommunications ~~T~~ower **or facility** shall be permitted in any interstate-highway right-of-way and shall be set back from a dwelling unit a distance of one hundred ten **(110)** percent (~~110%~~) of the height of the ~~T~~ower.

1173.04 LOCATIONS REQUIRING CONDITIONAL USE APPROVAL.

A wireless telecommunications tower or facility may be considered in the following areas as a conditional use when approved by the Planning Commission according to the procedures set forth in Chapter 1107. When considering an application, the Planning Commission shall determine that the applicant demonstrates compliance with the standards set forth in Section 1107.12, Criteria for Reviewing Minor and Final Development Plans; with the General Criteria for Conditional Uses in Section 1147.02; and has demonstrated that more preferred locations are not technically suitable. Efforts shall be made to locate the towers in the order of priority listed below:

- (a) In the ~~a~~ C-5, General-Commercial, **CF or CPRO** zoning district; when located at least twice the height of the tower from a residential dwelling.
- (b) ~~A wireless telecommunication facility that includes a tower shall not be permitted in a single family or multi-family residential district with the exception of placement on any~~ **On a** property with an institutional use (e.g. church, park, library, municipal-government, hospital, school, utility) **when located on a property not indicated in Section 1173.03 or 1173.04(a)** located in these districts. However, antennas attached to existing buildings or structures are permitted. In applying for a permit in any residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate in a more appropriate nonresidential zone**ing district or location as indicated in Section 1173.03 or 1173.04(a).**
- (e) ~~With approval from the Design and Review Board, a wireless telecommunications tower or antenna may be located on or near historic structures, districts, or corridors only if concealed so as to be substantially invisible. The views of, and vistas from, such structures, districts, and corridors shall not be impaired or diminished by the placement of telecommunications towers and antennas.~~
- (c) **On a designated Landmark, or within a Landmark District, on a location specified as a permitted or conditional use in Section 1173.03 or Section 1173.04. A wireless telecommunications tower or facility on a designated Landmark or within a Landmark District shall be concealed so as to be substantially invisible and the views of, and vistas from, such structures, districts, and corridors shall not be impaired or diminished by the placement of**



13

telecommunications towers and facilities. Such wireless telecommunications tower or facility shall also receive Certificate of Appropriateness approval from the Design and Review Board per Section 155.06.

1173.09 EXEMPTION OF CERTAIN CITY PROPERTY.

Regardless of the provisions of this Chapter, a Wireless Telecommunication Facility may be permitted on any property owned or controlled by the City and currently used for public services, and *On any property owned or controlled by the City, wireless telecommunications towers or facilities shall be permitted and shall be exempt from the regulations set forth in this Chapter and any other provisions of this Planning and Zoning Code provided that City Council has first held a public hearing and approved the location of such tower or facility by a majority vote.* Such tower or facility shall be constructed, erected, maintained, extended and removed under such conditions, standards and regulations as may be required by the City Council.

- (a) Notice of the public hearing regarding a wireless telecommunication tower or facility on a City owned or controlled property shall be given by Council according to the following:
 - (1) Notice of the hearing shall be published at least fourteen (14) calendar days prior to the date of the required public hearing, in one (1) or more newspapers of general circulation in the City.*
 - (2) Written notice of the required hearing shall be mailed by the Clerk of Council by first class mail at least fourteen (14) calendar days prior to the date of the required public hearing to all owners of property within two hundred (200) feet from the subject property to the address of such owners appearing on the County Auditor's current tax list or the County Treasurer's mailing list. The failure to deliver the notification as provided in this section shall not invalidate any decision made by Council regarding the location of a wireless telecommunications tower or facility.*
 - (3) Notices shall include the time and place of the public hearing, a summary of the proposed placement of the tower or facility and a statement that the opportunity to be heard will be afforded to any person interested.**
- (b) Council may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.*
- (c) During the fourteen (14) days prior to the public hearing, all materials relevant to the proposed tower or facility placement shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by Council.*

CHAPTER 1181 (VEHICULAR AND PEDESTRIAN CIRCULATION)

1181.09 SIDEWALKS, WALKWAYS AND BIKEWAYS.

Sidewalks, walkways and bike lanes shall be provided as necessary to provide safe, convenient and efficient transportation.

(b) Design Standards.

- (1) ~~For residential developments, sidewalks shall be a minimum of four (4) feet in width, except on arterial and collector streets where a minimum of five (5) feet shall be required. For all commercial/industrial developments, sidewalks shall be a minimum of five (5) feet in width.~~

Sidewalks shall be no less than four (4) feet in width when located along a public right-of-way of sixty (60) feet or less. Sidewalks shall be no less than five (5) feet in width when located along a public right-of-way of greater than sixty (60) feet.



ORDINANCE NO. 2014-27

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT FOR AN ENCROACHMENT UPON THE PUBLIC RIGHT-OF-WAY, AND DECLARING AN EMERGENCY

WHEREAS, the Wayne County Commissioners have initiated improvements to the Wayne County Courthouse (located at 107 W. Liberty Street), and such improvements require changes to an existing encroachment into the public right-of-way to meet the building code; the structure (an area well with stairs and two (2) below-grade pump rooms), as planned, will encroach no more than five and one-half (5 1/2) feet onto the public right-of-way (a sidewalk, as appears on the scale drawings attached hereto as Exhibits A, B, C, D, E, F, and G); and

WHEREAS, the existing sidewalk is sixteen (16) feet wide, and the proposed encroachment would leave sufficient room for the passage of pedestrians; and

WHEREAS, the owner is removing three existing area wells with stairs and an accessible ramp that encroach five (5) feet into the public right-of-way and replacing them with one area well with a stair and two completely below-grade pump rooms; and

WHEREAS, the Engineering Division has examined the location and determined that the encroachment will not interfere with any current municipal interest.

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

SECTION 1. That the Mayor is hereby authorized to grant an easement for an encroachment of an area well with a stairway and two (2) below-grade pump rooms within the existing sidewalk area upon the public right-of-way located on the east side of the building located at 107 W. Liberty Street, being a five and one-half (5 1/2) foot wide easement parallel and adjacent to the east property line as appears on the exhibits attached hereto. This easement is subject to the following limitations: (1) that it will be dissolved immediately upon the destruction, dismantling or removal of any of the structures currently located thereupon; (2) that it will be dissolved at such time as the City of Wooster, in its sole discretion, shall require the use of the right-of-way for improvements to the adjacent parking lot, or infrastructure located in proximity thereto; and (3) that each property owner assumes all responsibility and liability for that which it owns, erects or otherwise places upon the easement, and for damage occurring to persons or property attributable to such.

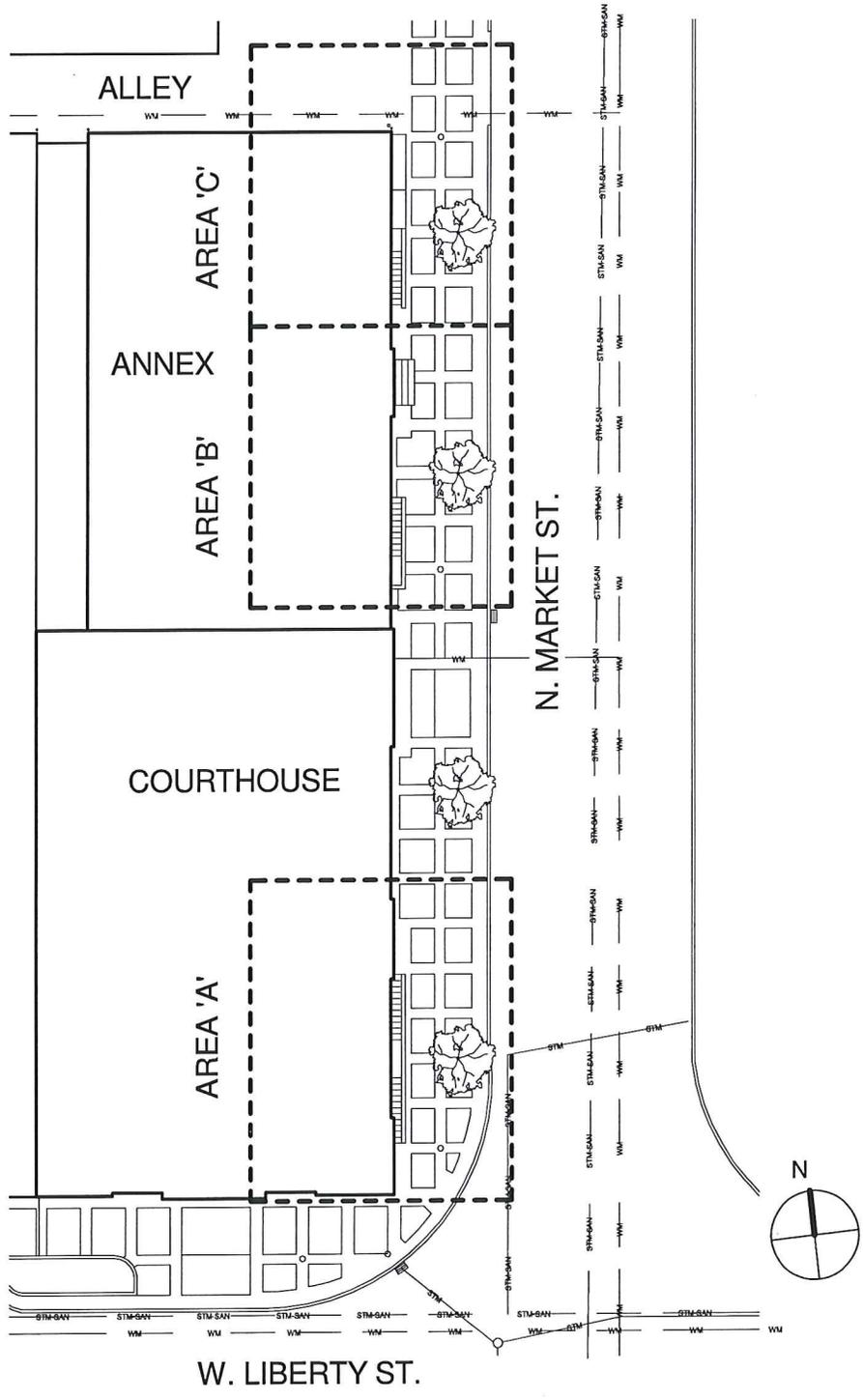
SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that time is of the essence in enabling the property owner to fully establish the boundaries of the easement; wherefore, this Resolution shall be in full force and effect from and

**Request for Agenda Item
Authorization for Bid or Purchase of Capital Item**

Division Engineering	Meeting Date Requested October 6, 2014
Project Name Encroachment easement	Approved for Agenda
Estimated Total Cost \$ 0.00	
Is Full Amount Budgeted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? No purchase is necessary	
Description Of Purchase This is a request to authorize an encroachment easement into the City's Right-of-Way by the Wayne County Courthouse for existing and proposed steps. This is a house cleaning piece of legislation since the steps presently encroach in the City's right of way. The proposed stairwells will be placed in the same place as the existing stairwell. As detailed in the attached drawings there is 11' of sidewalk between the stairwell and the curb line.	
Justification / Benefits Housing cleaning legislation	
Will This Project Effect the City's Operating Costs No Effect on operating costs.	
What Alternatives Exist and What Are The Implications of The Alternatives	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons While suspension of the rules is not necessary, earlier passage would eliminate this house cleaning legislation.	
Division Manager Roger Kobilarscik	Date October 1, 2014

Ord #27



1 EXISTING SITE PLAN - OVERALL
1" = 30'-0"

COURTHOUSE

Building / Property line

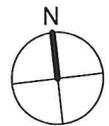
Existing curb

Existing stair and handrails in an area well within the right-of-way to be removed and replaced with a completely below-grade pump room

11' - 0"

N. MARKET ST.

STM-SAN



W. LIBERTY ST.

1 SITE PLAN EXISTING - AREA A
1/8" = 1'-0"

Wayne County
Courthouse

107 West Liberty Street Wooster, Ohio 44691

Drawing Name | Existing Site Conditions - Area 'A'

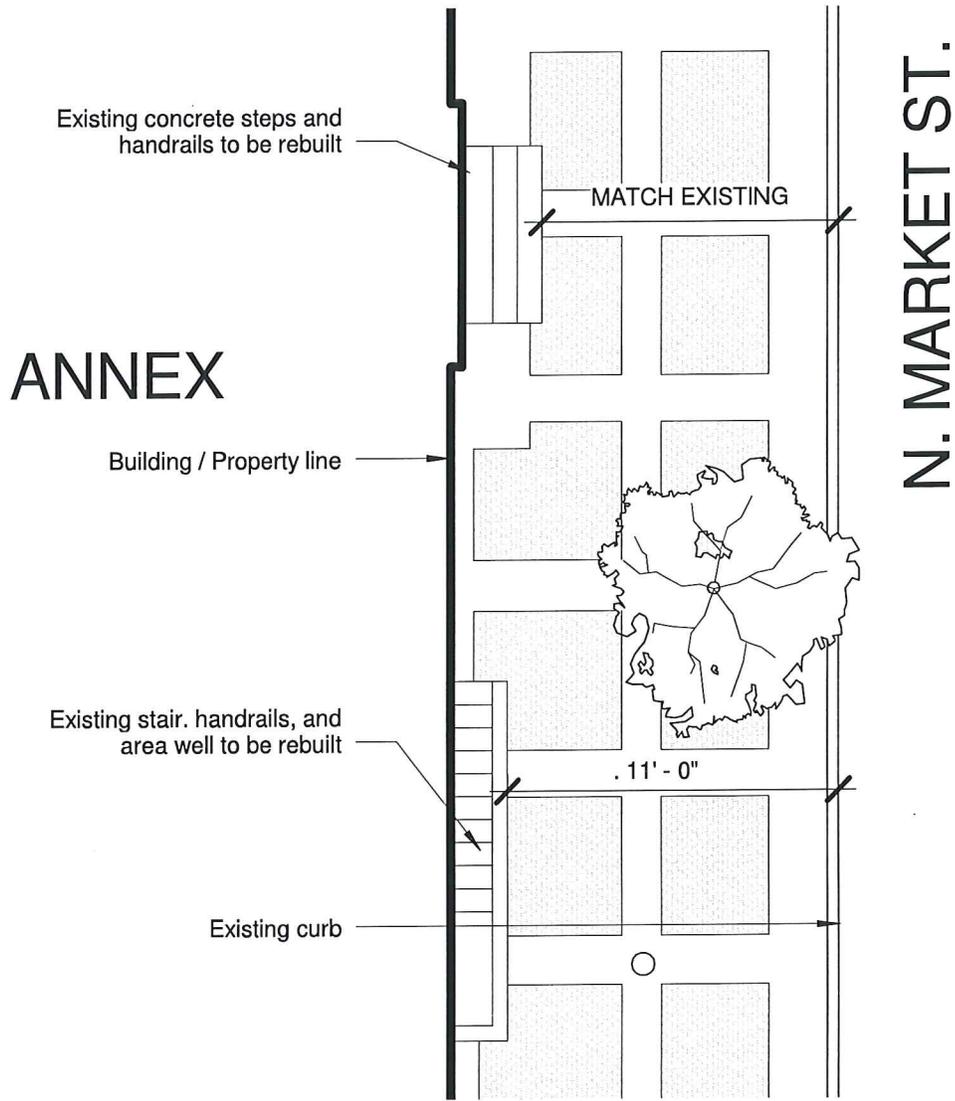
Issued With |

Referenced Drawing No. |

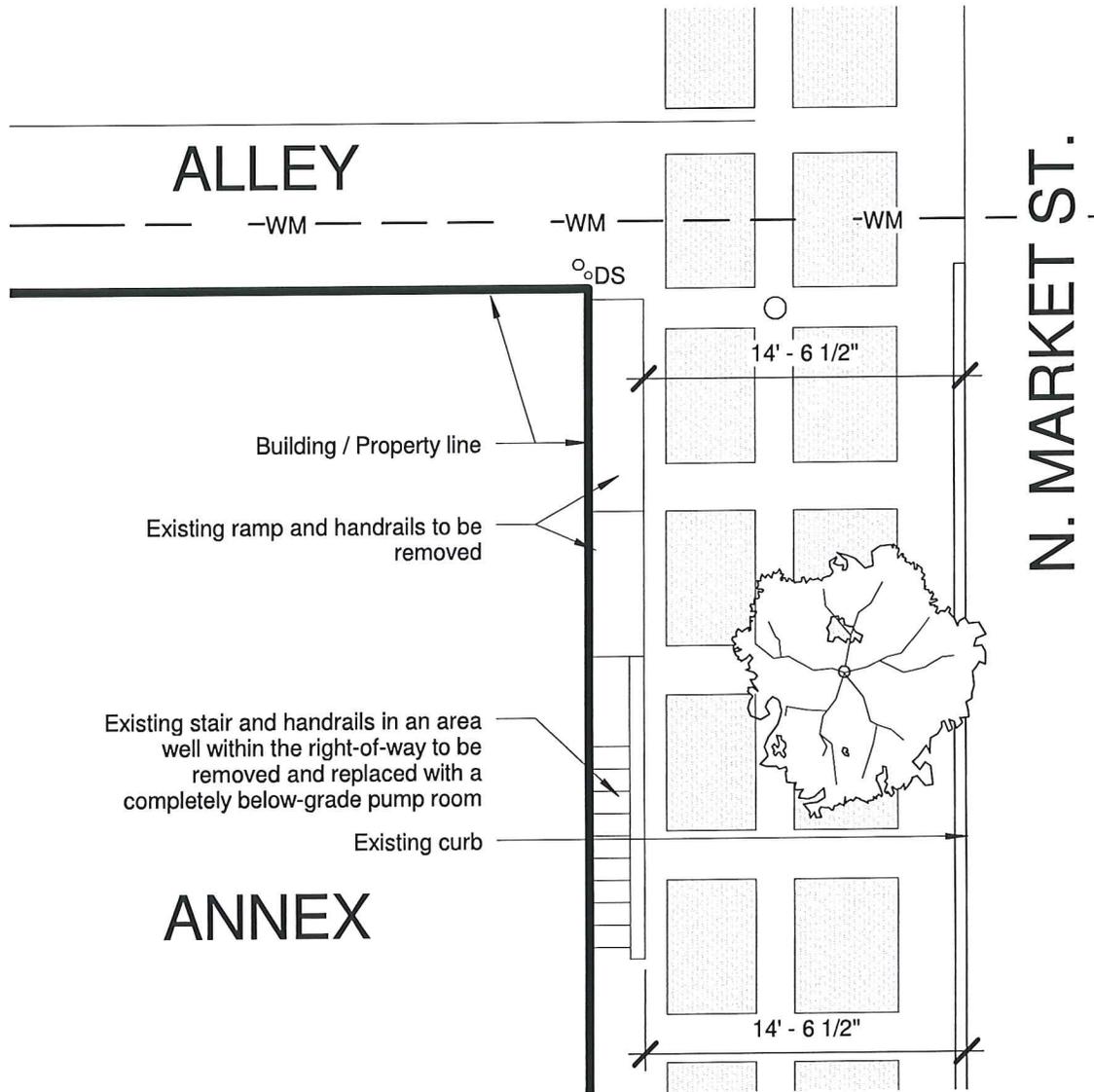
Date | 09/30/14

Job # | 13150

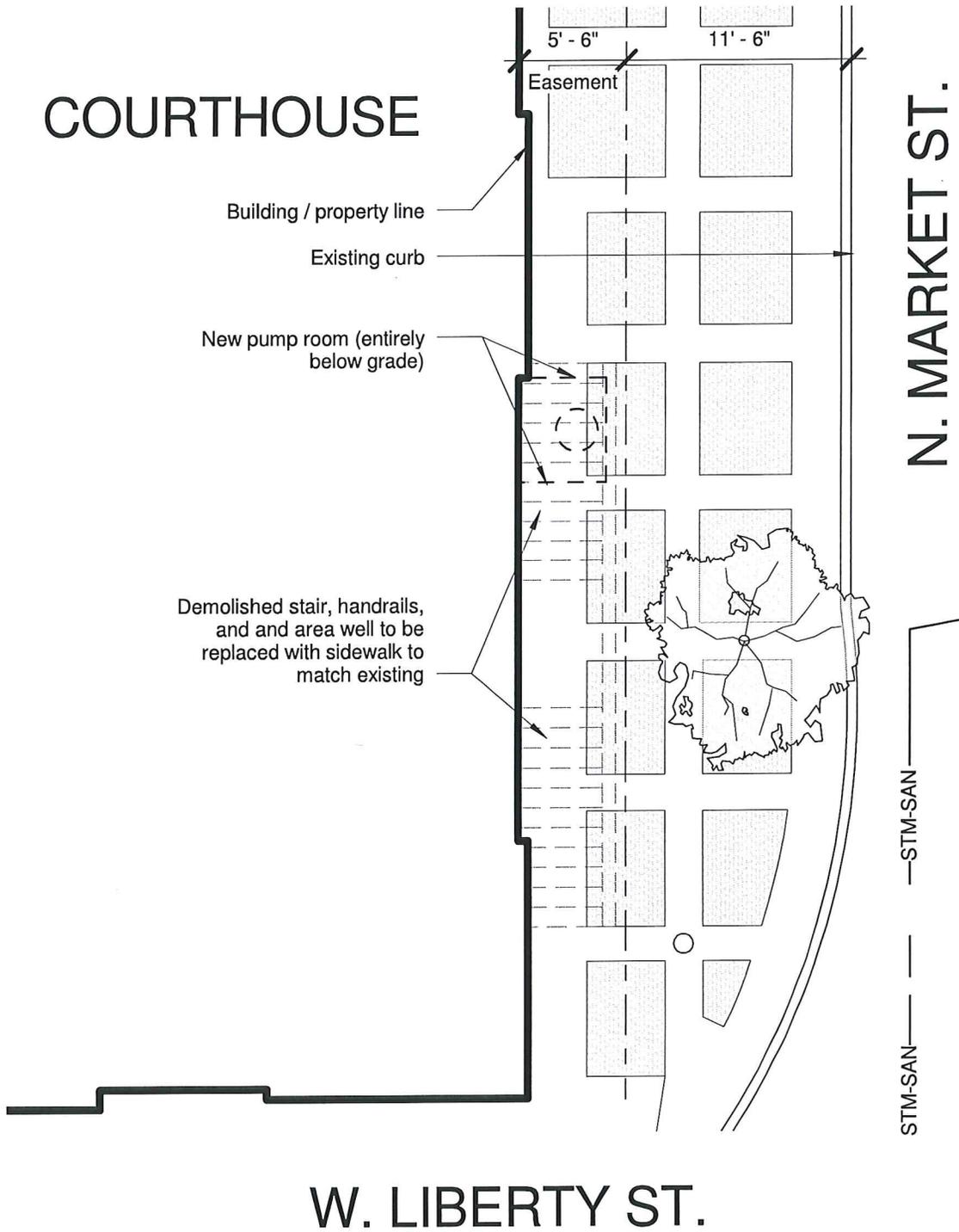
Drawing # | EXHIBIT B



1 SITE PLAN EXISTING - AREA B
1/8" = 1'-0"



1 SITE PLAN EXISTING - AREA C
1/8" = 1'-0"



1 SITE PLAN PROPOSED - AREA A
 1/8" = 1'-0"

Wayne County
 Courthouse

Drawing Name | Proposed Site Conditions - Area 'A'

Date | 09/30/14

Issued With |

Job # | 13150

107 West Liberty Street Wooster, Ohio 44691

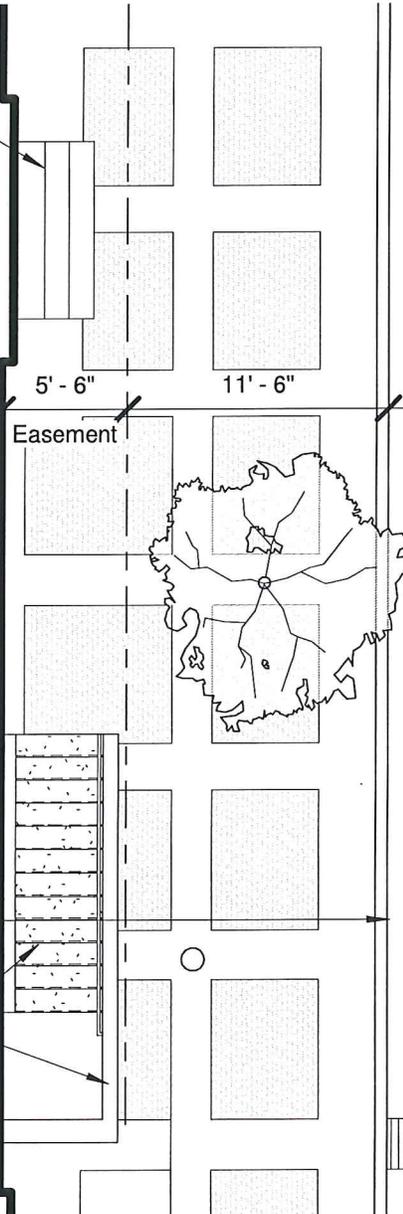
Referenced Drawing No. |

Drawing # | EXHIBIT E

ANNEX

N. MARKET ST.

Rebuilt concrete steps and handrails



Existing curb

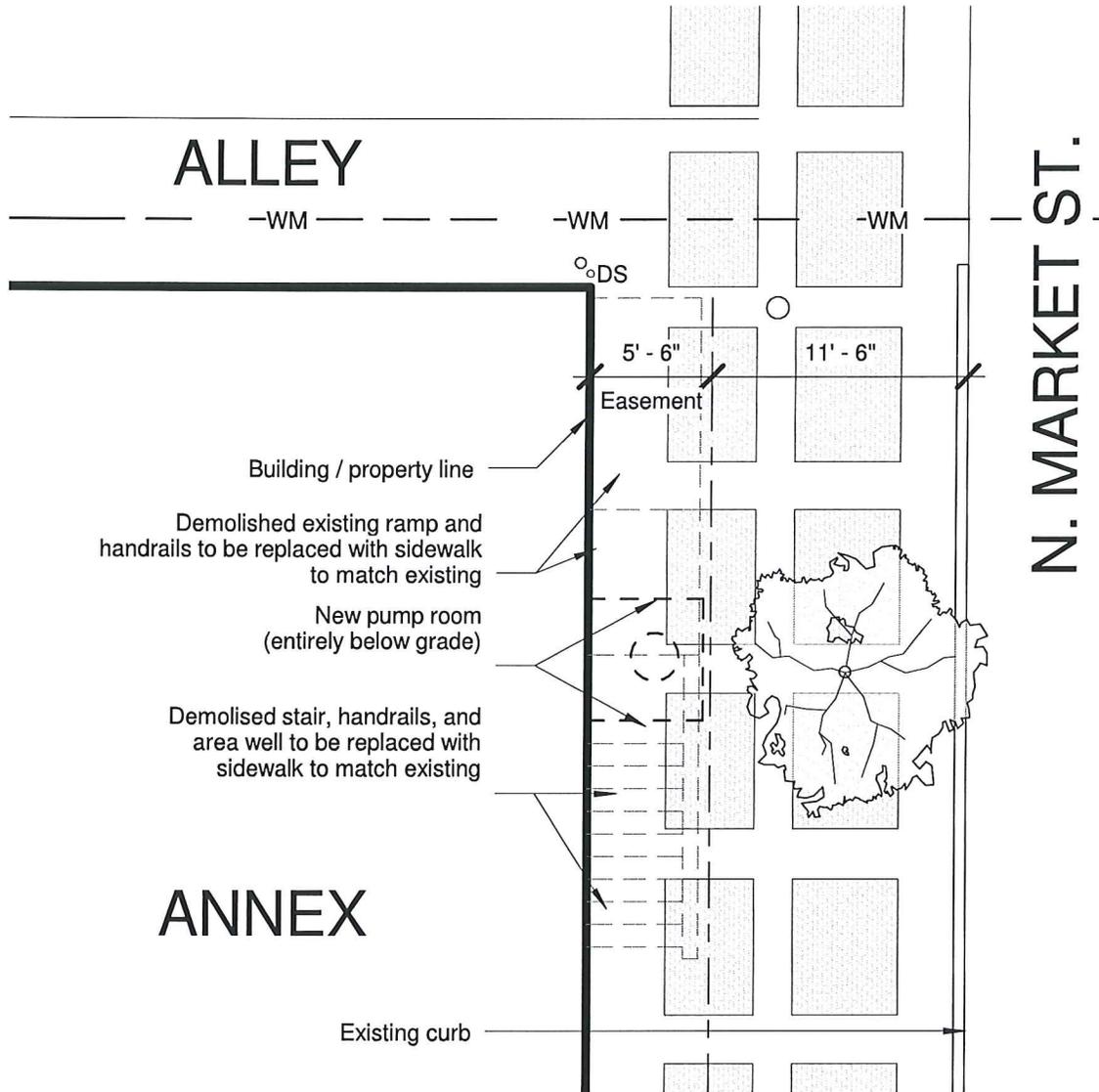
Rebuilt stair and area well

Easement

5' - 6"

11' - 6"

1 SITE PLAN PROPOSED - AREA B
1/8" = 1'-0"



1 SITE PLAN PROPOSED - AREA C
1/8" = 1'-0"

Wayne County
Courthouse

107 West Liberty Street Wooster, Ohio 44691

Drawing Name | Proposed Site Conditions - Area
'C'

Issued With |

Referenced Drawing No. |

Date | 09/30/14

Job # | 13150

Drawing # | EXHIBIT G

ORDINANCE NO. 2014-28

AN ORDINANCE AMENDING ORDINANCE NO. 2003-44 BY INCREASING THE SCOPE OF THE CHRISTMAS RUN PARK RESTORATION FUND, AND DECLARING AN EMERGENCY

WHEREAS, this City Council, in Ordinance No. 2003-44, created the Christmas Run Park Restoration Fund, the purpose of which was to receive and allocate donations to the municipal government for the reforestation of Christmas Run Park, which sustained significant damage as a result of a tornado that struck the park in late 2003; and

WHEREAS, the Christmas Run Park Restoration Committee, chaired by Steve Webster, was so successful in raising funds for the reforestation of Christmas Run Park that in the intervening years the park has been fully reforested; and

WHEREAS, the success of the park reforestation notwithstanding, funds remain on hand which are no longer needed for Christmas Run Park, but could, with this Council's approval, be dedicated to plant trees and other vegetation in the remaining City parks.

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

SECTION 1. That Section 1 of Ordinance No. 2003-44 is hereby amended to read:

SECTION 1. That the director of finance is hereby authorized to establish the Christmas Run Park Restoration Fund. The purpose of the fund will be: (1) to receive and allocate donations to the municipal government for the reforestation of Christmas Run Park, which donations are hereby authorized to be received and appropriated for such purpose; and (2) at such time as the director of administration advises this Council that Christmas Run Park has been fully reforested, any remaining funds may be utilized for the reforestation of any of the remaining City parks. The director of finance will be responsible for recording all receipts and expenditures in connection with this fund, and will follow the direction of this City Council with respect to designation thereof.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

1st reading _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2014

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2014

Mayor

Introduced by: David Silvestri

**REQUEST FOR AGENDA ITEM
AUTHORIZATION FOR FUND EXPENDITURE**

Division: **Administration**

Meeting Date Requested: **October 6, 2014**

Project Name: **Park Tree Restoration Funds**

Approved for Agenda:

=====

1. Estimated Total Cost: **\$28,469 fund balance in Christmas Run Park Restoration Fund.**

2. Is the full amount budgeted? **YES** or NO. If no, how is the purchase to be funded?

3. Description of Purchase: **Request to Amend Ordinance 2003-44 to include reforestation of all other parks, in addition to Christmas Run Park.**

- **The reforestation of Christmas Run Park has been completed, and excess funds still remain.**
- **Other parks are in need of additional trees and other plantings**
- **Steve Webster, Shade Tree Commission Chair, and former chair of the Christmas Run Park Restoration Committee, has indicated his agreement with these expenditures**
- **A minimum amount will be retained for replacement of any trees in Christmas Run Park**

4. Justification\Benefits: **The current fund balance far exceed the needs in Christmas Run Park, and could be used to help plant trees and other vegetation in other parks, including Oak Hill Park.**

5. Will this project affect the city's operating costs? **Approval would allow existing, donated funds to be used for tree plantings and other vegetation in all parks, thus lowering the expenditures from the General Fund.**

6. What alternatives exist and what are the implications of the alternatives. **Without this approval, most, if not all of the \$28,469 will remain in the Christmas Run Restoration Fund indefinitely.**

7. Is this a sole source request? **YES** If yes, explain the circumstances: **See above justification.**

8. Are you requesting suspension of the rules and passage on one reading? If yes, note reasons. **No.**

Joel Montgomery
Director of Administration

Date: September 29, 2014

ORDINANCE NO. 2014-29

AN ORDINANCE RATIFYING AND CONFIRMING CERTAIN MATTERS IN CONNECTION WITH THE ISSUANCE AND SALE OF BONDS, AS AUTHORIZED BY ORDINANCE NO. 2014-25 PASSED ON SEPTEMBER 15, 2014, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE CITY'S WASTEWATER TREATMENT PLANT AND ACQUIRING, CONSTRUCTING AND INSTALLING RELATED WASTEWATER TREATMENT FACILITIES AND EQUIPMENT, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, legislation authorizing the issuance and sale of bonds of the City in the maximum principal amount of \$4,800,000 (the Bonds) for the purpose of paying costs of improving the City's Wastewater Treatment Plant and acquiring, constructing and installing related wastewater treatment facilities and equipment, together with the necessary appurtenances thereto, including the payment of expenses related to the issuance of the Bonds, was introduced at the regular meeting of Council held on September 15, 2014, and this Council determined to pass that legislation as Ordinance No. 2014-25 on that date (the "Authorizing Ordinance"), after suspension of the rule requiring reading of that legislation on three separate days; and

WHEREAS, this Council wishes to ratify and confirm its approval and authorization for execution and delivery of the Continuing Disclosure Agreement and Bond Registrar Agreement to which reference is made in the Authorizing Ordinance (the "Agreements"), in substantially the respective forms thereof now on file with the Clerk of this Council;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wooster, County of Wayne, Ohio, that:

SECTION 1: Approval of Agreements. This Council hereby confirms its approval, and confirms and ratifies its authorization for the execution and delivery, of each Agreement, in substantially the form on file at present with the Clerk of Council, as contemplated by the Authorizing Ordinance and as if it were on file in that form when the Authorizing Ordinance was passed. This ordinance provides authority supplemental to that provided by the Authorizing Ordinance and does not amend, limit, modify or restrict the authority provided by the Authorizing Ordinance in any respect, which is and shall remain in full force and effect in accordance with its terms.

SECTION 2: Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken in open meetings of this Council or committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 3: Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City; or providing for the usual daily operation of a municipal department or division; and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to enter into contracts for the improvement in order to meet its obligations in the construction of the improvement and eliminate existing and potential hazards to the health of the residents of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor, provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

1st reading _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2014

Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2014

Mayor

Introduced by: Jon Ansel

RESOLUTION NO. 2014-61

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S), TO ACCEPT AND APPLY SUCH FUNDS, IF AWARDED, AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Public Works Commission ("OPWC"), through the State Capital Improvement Program, provides financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the City of Wooster is planning to make capital improvements (water line replacement) to the water lines serving Woodland and Northwestern Avenues, Forest Drive and Pearl Street, with the total cost of the projects estimated to be \$906,000.00, of which the OPWC would fund approximately \$453,000.00; and

WHEREAS, the infrastructure improvement project hereinabove described is considered to be a priority need for the community and is a qualified project under the OPWC programs

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

SECTION 1. That the Mayor, is hereby authorized to apply to the OPWC for grant monies as described above, and if such funds are awarded, to appropriate and apply the funds as indicated.

SECTION 2. The City, by its Mayor, is further authorized to execute any necessary documents in connection therewith for obtaining this financial assistance.

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 is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that time is of the essence in making a timely application for the funds described above; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2014 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2014
Mayor

Introduced by: Craig Sanders

**Request for Agenda Item
Authorization for Bid or Purchase of Capital Item**

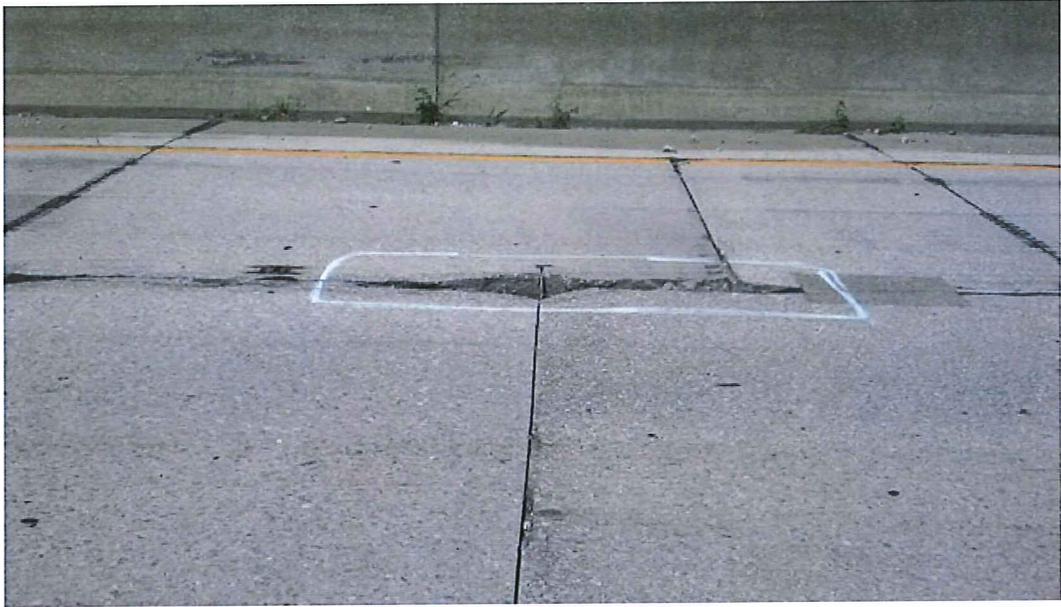
Division Engineering	Meeting Date Requested October 6, 2014
Project Name Secondary Transmission Waterline Project - OPWC Participation	Approved for Agenda
Estimated Total Cost \$906,000. If approved, the Ohio Public Works Commission would fund \$453,000 of project costs with grant funds.	
Is Full Amount Budgeted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If No, How Is The Purchase To Be Funded? This project is scheduled for 2015. The City's portion of the project will be budgeted in FY 2015.	
Description Of Purchase This is a request to authorize application for and acceptance of \$453,000 in grant money from the Ohio Public Works Commission for waterline replacement through Christmas Run Park, on Woodland Avenue, Northwestern Avenue, Forest Drive and Pearl Street. This project will install over 3,320 linear feet of 12" waterline, 1,410 linear feet of 8" waterline and 590 linear feet of 6" waterlines including all appurtenances (valves, hydrants) and water services.	
Justification / Benefits This project will replace existing waterlines that are beyond their useful life and have a substantial break history. The proposed OPWC funding will cover 50% of the project costs.	
Will This Project Effect the City's Operating Costs This project should have little or no affect on the City's operating costs.	
What Alternatives Exist and What Are The Implications of The Alternatives We could postpone the project, which will push other projects further into the future, will cost more as construction costs increase, and have no guarantee of future grant funding. We could proceed with the project using other interest accruing financing methods.	
Is This A Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Explain The Circumstances OPWC is the only agency offering funding for this type of project at this time.	
Are You Requesting Suspension Of The Rules <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, Note Reasons The OPWC funding application has been submitted and final approval depends on this legislation being passed as soon as possible.	
Division Manager Roger Kobilarcsik	Date September 19, 2014

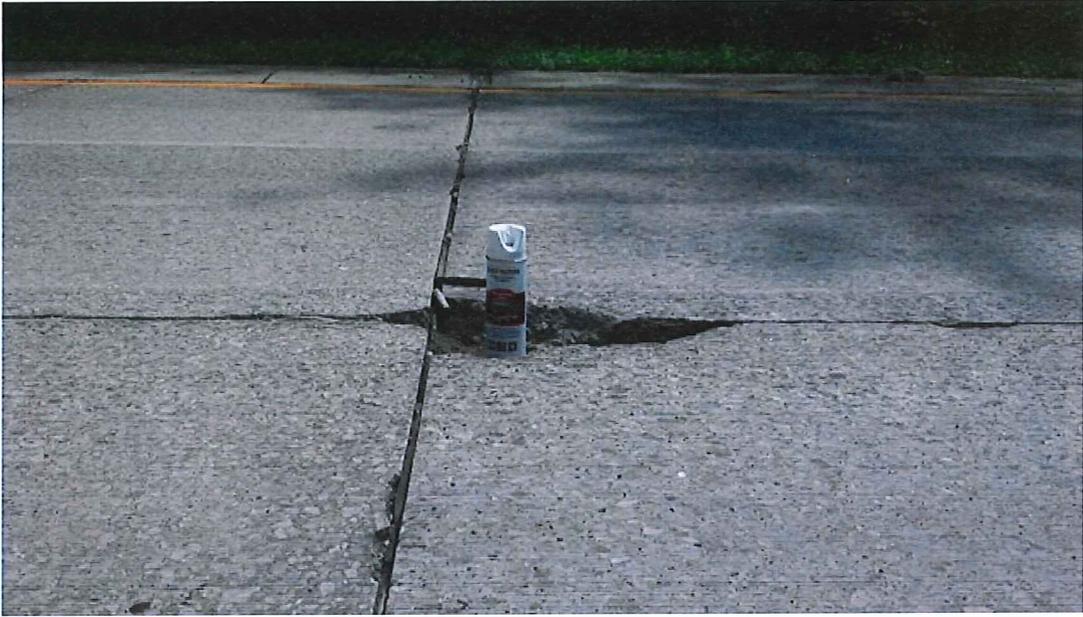
Res#61

**Request for Agenda Item
Authorization for Bid or Purchase of Capital Item**

Division Engineering	Meeting Date Requested October 6, 2014
Project Name Emergency Concrete Repairs on the Dix Bypass	Approved for Agenda
Estimated Total Cost \$200,000	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Purchase This is a request to enter into a contract with Smith Paving for emergency concrete repairs on the Dix. This project will repair the more critical failed areas that were not completed during the ODOT project.	
Justification / Benefits The repair of these critical areas will reduce the City's liability since there have already been several damage claims filed with the City's insurance company. The repairs will also reduce the time and materials the City's maintenance department will spend on spot repairs now and throughout the coming months.	
Will This Project Effect the City's Operating Costs This project will reduce maintenance costs by repairing the deteriorated areas.	
What Alternatives Exist and What Are The Implications of The Alternatives Do nothing, and continue to patch holes as best as possible and process future damage claims.	
Is This A Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Explain The Circumstances The City would like to award this work to Smith Paving since they were the contractor on the original ODOT project to repair the Dix.	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons Yes, a suspension of the rules is necessary to mobilize the contractor and to get this work done as soon as possible.	
Division Manager Roger Kobilarcsik	Date September 19, 2014

Res#62







**Request for Agenda Item
Authorization for Bid or Purchase of Capital Item**

Division Engineering/Utilities	Meeting Date Requested October 6, 2014
Project Name Electrical Service from WPCP to WTP	Approved for Agenda
Estimated Total Cost \$238,860	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Purchase: This is a request to enter into a contract with Quasar to install facilities and provide electrical service from the wastewater treatment plant to the water treatment plant.	
<p>Justification / Benefits This project will provide power for normal operations at the WTP from electricity produced at the WPCP. The digestion facilities at the WPCP are generating enough electricity to power average daily electricity demand at both plants. This project will eliminate between \$50,000 and \$100,000 in electrical costs per year, resulting in a return on investment of 2 to 5 years. Most likely payback period is 3 years based on current usage.</p> <p>This project will also allow the WTP to have back-up power provided by the large back-up generator located at the WPCP, also eliminating a back-up feed at the WYP, which we currently pay a stand-by fee to AEP .</p>	
Will This Project Effect the City's Operating Costs The full amount of this expenditure has been budgeted The result of this project will be the reduction of electrical costs at the WTP.	
What Alternatives Exist and What Are The Implications of The Alternatives We could do nothing, and continue to pay AEP for normal and back-up power, and not have a dedicated back-up generator. We could also construct a stand-alone back-up generator at the WTP, which will cost more than the electric line, and would not provide power for daily operations.	
Is This A Sole Source Bid or Non-Bid Situation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>If Yes, Explain The Circumstances: In accordance with WCO 160.03 (c) (8), the City may enter into contracts without bidding if "the purchase is for natural gas, electric>>>services for municipally owned facilities".</p> <p>Two additional, competing quotes were solicited for this project, and Quasar was the low bid. In addition, Quasar has the intimate knowledge of the WPCP treatment operations and the associated electrical production facilities. The City also currently has a management service agreement with Quasar for the provision of electricity at the WPCP.</p>	
Are You Requesting Suspension Of The Rules <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, Note Reasons	
Division Manager Joel Montgomery	Date September 25, 2014