

## CITY COUNCIL AGENDA

December 16, 2013

7:30 p.m.

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

### I. ROLL CALL & ORDERING OF AGENDA

### II. APPROVAL OF MINUTES

### III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Memorandum from the Mayor requesting approval for re-appointing Mr. James Lanham to the Income Tax Board of Review.

### IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

### V. COMMITTEE REPORTS; PUBLIC HEARINGS

Request from City Administration for two council appointments to Community Reinvestment Area Housing Council

### VI. OLD BUSINESS

1. Third Reading – ORDINANCE NO. 2013-43 AN ORDINANCE APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014, AND DECLARING AN EMERGENCY (Ansel)
2. Third Reading – ORDINANCE NO. 2013-44 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)
3. Third Reading – RESOLUTION NO. 2013-92 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE WOOSTER YMCA FOR PROFESSIONAL ADMINISTRATIVE SERVICES RELATED TO THE MANAGEMENT AND OPERATION OF THE CITY OF WOOSTER'S SWIMMING FACILITIES, AND DECLARING AN EMERGENCY (Cavin)
4. Second Reading – ORDINANCE NO. 2013-46 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH REPRESENTATIVES OF THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION REGARDING WAGES, BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT, AND DECLARING AN EMERGENCY (Steiner)

### VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2013-47 AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL ESTATE, AND DECLARING AN EMERGENCY (Silvestri)
2. First Reading – ORDINANCE NO. 2013-48 AN ORDINANCE AMENDING THE TRAFFIC CONTROL FILE TO ENACT THE RECOMMENDATIONS OF THE TRAFFIC COMMISSION, AND DECLARING AN EMERGENCY (Ulbright)

3. First Reading – RESOLUTION NO. 2013-96 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW AN AGREEMENT WITH WOOSTER TOWNSHIP FOR THE HOUSING, OPERATION AND MAINTENANCE OF A FIRE TRUCK AT WOOSTER FIRE STATION #1; AND FOR FIREFIGHTING ASSISTANCE IN THE VICINITY OF PRAIRIE LANE, AND DECLARING AN EMERGENCY (Steiner)
4. First Reading – RESOLUTION NO. 2013-97 A RESOLUTION AUTHORIZING AGREEMENTS WITH VARIOUS APPLICANTS FOR THE USE OF ECONOMIC DEVELOPMENT MONIES (Ansel)
5. First Reading – RESOLUTION NO. 2013-98 A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE WOOSTER TAX INCENTIVE REVIEW COUNCIL WITH RESPECT TO EXISTING ENTERPRISE ZONE AND COMMUNITY REINVESTMENT ACT AGREEMENTS (Ansel)
6. First Reading – RESOLUTION NO. 2013-99 A RESOLUTION DECLARING IT NECESSARY TO IMPROVE AKRON ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES, CONSTRUCTING A TURNING LANE, INSTALLING STORM SEWERS, CATCH BASINS, MANHOLES, WATER MAINS, FIRE HYDRANTS, AND TRAFFIC CONTROL SIGNS AND DEVICES, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY (Ulbright)
7. First Reading – RESOLUTION NO. 2013-100 A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING SIDEWALKS AND CURB RAMPS ON WEST HIGHLAND AVENUE, AND DECLARING AN EMERGENCY (Ulbright)

- VIII. EXECUTIVE SESSION**  
**IX. MISCELLANEOUS**  
**X. ADJOURNMENT**

# Memo

**To:** Members of Wooster City Council

**From:** Mayor Bob Breneman

**Date:** December 13, 2013

**Re:** Boards and Commissions

*RFB*

*12-13-13*

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In compliance with the City of Wooster's Codified Ordinances and in keeping our boards and commissions at full membership, which are an active part of our city governance, I am recommending the following individual be reappointed:

**INCOME TAX BOARD OF REVIEW**

James Lanham

Ward  
3

Term-3 yrs.  
01/01/14 – 12/31/16

Thank you for your consideration.

ORDINANCE NO. 2013-43

AN ORDINANCE APPROPRIATING FROM VARIOUS FUNDS TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF WOOSTER FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014, AND DECLARING AN EMERGENCY

WHEREAS, the Charter of the City of Wooster provides, at §6.04, that no later than the second regular meeting of November the Mayor will prepare and present to the City Council for adoption an annual Appropriation Ordinance providing for the expenses of the municipal government for the coming fiscal year.

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

SECTION 1. That to provide for the current expenses and other expenditures of the City of Wooster for the Fiscal Year ending December 31, 2014, the following appropriations (detailed copy attached hereto) are hereby authorized.

SECTION 2. The budget approved by Council and the appropriation of funds to implement the budget represent the estimated expenditures needed to administer programs approved for the coming fiscal year. The budget is a work plan of the estimate of future needs for a given program as determined by Council when the budget is adopted.

In adopting the budget, Council recognizes that conditions may change during the fiscal year that may call for staff reductions or increases depending upon the facts in each instance.

In recognition of this fluid, constantly changing condition, the Mayor shall review requests for additional positions and for filling vacant positions within the limitations of the budget. After making a study of each request, he shall have the authority to approve, disallow or postpone such requests for additional personnel. In addition, he shall be responsible for resolving questions related to the staffing pattern of each department and division as determined by Council action on the annual budget.

Personnel requests in excess of the annual budget shall be studied and recommendations developed for the consideration of Council.

The Mayor shall be responsible for ascertaining that personnel requirements do not exceed those included or implied in the budget and/or Appropriation Ordinances.

SECTION 3. 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 4. 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 prompt action is necessary in order to commence and complete the various projects at the earliest possible time for the convenience and enjoyment of the general public; wherefore, this Ordinance 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 Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading 11-18-13 2nd reading 12-2-13 3rd reading \_\_\_\_\_

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

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

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

Introduced by: Jon Ansel

ORDINANCE NO. 2013-44

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

WHEREAS, the Wooster City Planning Commission, in consultation with the planning and zoning manager, directed the planning and zoning manager to review and recommend various proposed text amendments to the Planning and Zoning Code; and

WHEREAS, the Planning Commission considered the proposed amendments at its meeting on August 28, 2013 and recommended the **approval** thereof.

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

SECTION 1. That Part Eleven, Planning and Zoning Code, of the Codified Ordinances of the City of Wooster, is hereby amended to read in accordance with the attached Exhibit A (primarily residential amendments) and Exhibit B (primarily commercial, manufacturing and landscaping amendments).

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 date allowed by law.

1st reading 11-12-13 2nd reading 12-2-13 3rd reading \_\_\_\_\_

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

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

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

Introduced by: Barbara A. Knapic

**Request for Agenda Item  
Non-Capital**

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

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

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

AMENDMENTS TO THE WOOSTER PLANNING AND ZONING CODE CHAPTER 1103 (DEFINITIONS), CHAPTER 1115 (SUBDIVISION REQUIREMENTS), CHAPTER 1125 (GENERAL USE REGULATIONS), CHAPTER 1129 (AGRICULTURAL DISTRICT), CHAPTER 1131 (COMMUNITY FACILITIES DISTRICT), CHAPTER 1133 (SINGLE-FAMILY RESIDENTIAL DISTRICTS), CHAPTER 1134 (CLUSTER RESIDENTIAL DEVELOPMENT REGULATIONS), CHAPTER 1135 (MULTI-FAMILY RESIDENTIAL DISTRICTS), CHAPTER 1137 (MANUFACTURING HOME PARK DISTRICT), CHAPTER 1141 (COMMERCIAL DISTRICT REGULATIONS), CHAPTER 1142 (CPRO DISTRICT), CHAPTER 1143 (MANUFACTURING DISTRICT REGULATIONS), CHAPTER 1145 (PDOD DISTRICT), CHAPTER 1147 (CONDITIONAL USE REGULATIONS), CHAPTER 1165 (LANDSCAPING AND LAND USE BUFFERS), CHAPTER 1169 (OFF-STREET PARKING AND LOADING REGULATIONS), AND CHAPTER 1171 (SIGN REGULATIONS), ON THE CONDITION THAT THE FOLLOWING REMAIN PART OF THE PLANNING AND ZONING CODE (SECTION 1125.09(c)): *“RECREATIONAL VEHICLES MAY BE PARKED ON THE PREMISES FOR LESS THAN SEVENTY-TWO HOURS FOR ACCOMMODATION OF GUESTS PROVIDED THAT THE VEHICLE IS NOT PARKED ON THE PUBLIC STREET OR ALLEY RIGHT-OF-WAY”*.

**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, OHIO 44691  
Fax: 330-263-5274

August 29, 2013

Wooster City Council  
538 North Market Street  
Wooster, OH 44691

Dear Council Members:

At the August 28, 2013 meeting of the Wooster City Planning Commission, a motion was made and carried to recommend to Council approval of amendments to the Wooster Planning and Zoning Code Chapter 1103, Definitions, Chapter 1115 (Subdivision Requirements), Chapter 1125 (General Use Regulations), Chapter 1129 (Agricultural District), Chapter 1131 (Community Facilities District), Chapter 1133 (Single-Family Residential Districts), Chapter 1134 (Cluster Residential Development Regulations), Chapter 1135 (Multi-Family Districts), Chapter 1137 (Manufactured Home Park District), Chapter 1141 (Commercial District Regulations), Chapter 1142 (CPRO District), Chapter 1143 (Manufacturing District Regulations), Chapter 1145 (PDOD District), Chapter 1165 (Landscaping and Land Use Buffers), and Chapter 1171 (Sign Regulations) on the condition that the following remain part of the Planning & Zoning Code (Zoning Code Section 1125.09(c)): *"Recreational vehicles may be parked on the premises for less than seventy-two hours for accommodation of guests provided that the vehicle is not parked on the public street or alley right-of-way"*.

Sincerely,

Kevin Lowry, Chairman  
Wooster City Planning Commission

KL/lah  
Enclosures—Request for Agenda Item (City Council)



## ORDINANCE #2013-44 NOTES TO EXHIBITS A & B

The following are notes to provide a description and explanation for the Planning and Zoning Code amendments in Ordinance #2013-44. In the outside margin of the Ordinance, notable changes to the code are indicated with either a solid red line ( **|** ) for more significant changes or a dashed blue line ( **|** ) for less significant changes. The number adjacent to the line corresponds to the note numbers below. The notes are in order as they first appear in the Ordinance.

Note #4, on pages 2 and 3 of these notes, addresses the issue of adding Public Safety, Health or Utility Facilities as a permitted use, a change which was the subject of discussion at the December 2<sup>nd</sup> City Council meeting.

### 1. Public Facility Definition – Section 1103.02(b)(174 and 243) – Page 1

The definition of Public Safety Facility has been updated to include “Health or Utility”. The change was aimed to incorporate all functions of the City of Wooster that are necessary to ensure the public safety and health and supply adequate public utility service. The section will read, as proposed:

Public safety, health or utility facility. A municipal government facility utilized for public safety, health, utility, or emergency services, including, but not limited to, a facility that provides police or fire protection, a facility that provides for public utility retention, treatment, distribution, or service or other municipal facility necessary to maintain the public health, safety and welfare including related administrative facilities.

### 2. Fences in Residential Districts – Sections 1125.07(old), 1133.07(h) and 1135.05(c) – Pages 2, 14 and 20

Section 1125.07, which applies to fences in all residential districts, was deleted and relocated to Sections 1133.07(h), Single-Family Residential Districts and 1135.05(c), Multi-Family Residential Districts. The relocated sections have a few instances of rewording and reformatting and include some minor changes, which are mostly clarifications.

### 3. Recreation and Motor Vehicles – Section 1125.09 – Page 3

The existing Sections 1125.09 and 1125.10 were combined to include parking and usage of recreation and motor vehicles. The specific reference to camper trailers, small utility trailers, etc. was removed as the definition of recreation vehicles already incorporates such vehicles, and is more thorough. The existing code prohibits recreation vehicles in the front setback, an additional section was added to prohibit such vehicles on a corner lot’s side setback abutting a road. Section (a)(3) was added to indicate the parking recreational vehicles in nonresidential districts must comply with outdoor display and storage regulations. The new section (b) takes language from the existing Section 1125.10 and differentiates between residential districts and commercial districts. The amended section will read, as proposed:

#### **1125.08 PARKING AND USAGE OF RECREATIONAL VEHICLES AND MOTOR VEHICLES.**

(a) Recreational Vehicles. Recreational vehicles 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 may be parked or stored outside an enclosed building 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, or be located in a required side setback abutting a public right-of-way. A driveway or parking space may not be constructed in the required front setback or side setback abutting a public right-of-way for the sole purpose of parking or storing of such vehicles.

- (2) Recreational vehicles may be parked on the premises for less than seventy-two (72) hours for accommodation of guests provided that the vehicle is not parked on the public street or alley right-of-way.
- (3) Recreational vehicles 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 is parked or stored outside, it shall be parked on an impervious surface, such as asphalt or concrete.
- (5) All recreational vehicles shall be kept in good repair and carry a current year's license or registration.

(b) Motor Vehicles.

- (1) In a residential zoning district or within any public right-of-way, the repainting, rebuilding, overhauling or dismantling of a vehicle or the storage of tires, motor, body or other parts in an open yard is prohibited.
- (2) In residential zoning districts and any public right-of-way, the parking or the outdoor storage of commercial motor vehicles, semi-trailers and/or buses is prohibited.
- (3) In all nonresidential zoning districts, the parking or the outdoor storage of commercial motor vehicles shall be subject to use regulations and outdoor display and storage regulations of the applicable zoning district.

**4. Public Safety, Health and Utility Facilities as Permitted Uses – Tables 1129.02, 1131.02, 1133.02, 1135.02, 1137.02, 1141.02, 1142.02, and 1143.02 – Pages 5, 6, 8, 16, 21, 25, 30, and 34**

The existing permitted use tables have been changed to allow Public Safety, Health and Utility Facilities as Permitted Uses. As noted in the chart below, the current Public Safety Use is a conditional or a prohibited use in a number of zoning districts. The proposed amendment allows the Public Safety, Health and Utility Facility use as Permitted Use in all zoning districts. The removal of the use as conditional also results in subsequent changes found in Note 13.

Zoning Type	<i>-CURRENT-</i> Public Safety Facility	<i>-PROPOSED-</i> Public Safety, Health or Utility Facility	Land Area (Approx. Acres)	Percent of City Area
Community Facilities	–	P	1,992	19%
Residential	C	P	4,675	45%
Commercial	C	P	1,154	11%
Manufacturing	–, P	P	2,669	25%
P: Permitted Use C: Conditional Use –: Prohibited Use				

The change to a permitted use has also been incorporated in the R-5 (Manufactured Homes), CPRO (Campus Professional Research Office) and AG (Agriculture) districts. The change to the R-5, CPRO and AG districts was not included in the Planning Commission's review as they were identified at a later date and aim to provide consistency throughout all zoning districts. These districts comprise a combined five parcels in the city.



The change from a Public Safety Facility as a prohibited or conditional use to a Public Safety, Health or Utility Facility as a permitted use was based on a number of factors:

- Municipal safety, health and utility facilities provided by the city are by nature location specific. For a utility, such as water service, there are numerous factors that dictate where facilities must be located to supply sufficient service to the system. For an emergency service, such as fire protection, stations need to be in sufficient proximity to the areas they serve. The distance a home is from a fire station is even often factored into a homeowners insurance policy (among numerous other factors).
- The proposed change allows the city to provide and maintain services to its residents, businesses and other establishments consistently without restricting or prohibiting municipal safety, health or utility facilities from large portions of the city.
- Per the definition of a Public Safety, Health or Utility Facility, as previously noted, only municipal government facilities would be allowed as permitted uses. Any private facility would not be included in the use classification.
- The construction and location of new safety, health and utility facilities requires the review and approval of legislation by City Council to fund the project. All council meetings are open to the public and have a section of the meeting for public comment.
- As a permitted use, a new safety, health or utility facility is not exempt from the Planning and Zoning Code. Per the code, a Development Plan application would need to be submitted and approved by the Planning Commission. The Commission reviews the application per development standards of the Planning and Zoning Code including, but not limited to, setbacks, landscaping and screening, parking, and lighting.

**5. Residential Lot Coverage Requirements – Tables 1133.03 and 1135.03 – Pages 9 and 18**

The Planning and Zoning Code in effect until 2007 stated maximum lot coverages in single family residential districts. The definition of lot coverage included only buildings on the site. The current code, effective in 2007, also includes lot coverages, however, the definition of lot coverage now encompasses all impervious surfaces (buildings, driveways, patios, sidewalks, etc.). This definition change produced many instances of existing lots exceeding the new lot coverage requirement, which has resulted in numerous variances for owners constructing decks, patios or minor additions.

The proposed code amendment aims to bridge the gap between the previous code and the current code by requiring a maximum building coverage of the lot and an increased maximum lot coverage, which applies to all impervious surfaces.

For multi-family districts, the existing code had no maximum lot coverage, only building coverage. The proposed amendment places a maximum lot coverage for a site.

**6. Single-Family Residential Setbacks for Corner Lots and Through Lots – Section 1133.04 – Page 10**

The existing code included a section for determining setbacks on corner lots (existing Section 1133.04(c)). The section intended to keep the setbacks on corner lots in line with adjacent properties on both streets. In practical application, the section was confusing and produced mixed results, particularly when corner lots were adjacent to other properties developed at another time, and thus under different setback regulations. The updated section intends to simplify the requirements by stating any side of a lot abutting a street right-of-way must adhere to the applicable front setback.



Figure 1, on page 11 is no longer necessary due to the deletion of existing Section 1134(c). A correction has been made in Section 1133.06(e) and Table 1133.07 to change "Figure 2" to "Figure 1". The change was not previously shown on the amendment, but is only a technical correction.

**7. Residential Accessory Structure Setbacks – Table 1133.07 – Page 13**

The existing setback table for accessory structures included a system of referencing that required the reader to flip through different sections, even chapters, to find a given setback. The proposed amendment inserts the actual requirement rather than requiring the reader to search through other sections.

**8. Multi-Family Use in the R-3 District – Table 1135.02 – Page 16**

A multi-family use is permitted by the current code in the R-3 (Attached SF/Townhouse) and R-4 (Multi-Family) districts. The proposed amendment removes this use as permitted in the R-3 District. A multi-family use is a structure with three or more units that does not meet the definition of an attached single-family use. Attached single-family units, which will continue to be permitted in the R-3 District, are defined as:

Dwelling units that are structurally attached to one another, side by side, and erected as one building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides, and including such elements as separate ground floor entrances, services and attached garages.

Condominium or townhouse style uses would continue to be permitted in the R-3 District, however, more intense multi-family uses would only be permitted in the R-4 District. There are currently only a few developments zoned R-3 in the city, all of which would meet the proposed R-3 use change.

**9. Multi-Family Accessory Structures – Section 1135.05 – Page 19**

The existing regulations for accessory structures in multi-family districts were removed and incorporated into the proposed Table 1135.05 with minor alterations. The format is similar to accessory structure regulations in single family districts.

**10. Multi-Family Temporary Storage Units – Section 1135.05(d) – Page 21**

A section for temporary storage units was not included in the multi-family residential district chapter. A section identical to existing regulations applicable to single family residential uses was added.

**11. Fences in Commercial, CPRO and Manufacturing Districts – Sections 1141.09, 1142.07 and 1143.08 – Pages 26, 30 and 34**

The existing section for fences in commercial and CPRO (Campus Professional Research Office) districts were identical and have been amended in kind. The amendments allow wood, vinyl or similar fences in front of a building per height regulations, not only ornamental fences (wrought iron), as previously indicated. Fence height in a setback abutting a right of way has been increased from 42 inches to 4 ft., as the latter is standard fence height. Buffering of fences from a public street with landscaping has been reduced, though also deemed necessary when abutting a residential zoning district.

The existing Section 1143.08 for fences in manufacturing districts requires all fencing and walls to be stone, brick, wood, iron, or synthetic look alike. Chain link is currently prohibited, which is not feasible for manufacturing uses which often have a large area to fence that is only visible from similar uses. The amendment only requires stone, brick, etc. when a fence faces a public right-of-way or a residential



district. Similar changes were made to fence height and screening as noted in commercial and CPRO districts.

**12. Commercial Design Standards – Section 1141.11(e) – Page 28**

The existing design standards are located in Table 1141.11 and are mostly applicable to all commercial districts. The table has been removed, incorporated into text and applied to all commercial districts. The amended text differs from the existing text in the following ways, the last being the most significant:

- (2) Buildings in the C-5 (General Commercial) district must be oriented toward a public street. This previously only applied to all other commercial districts (C-2 (Neighborhood Commercial), C-3 (Community Commercial) and C-4 (Central Business)).
- (3) Buildings in the C-5 (General Commercial) district must be designed and located to be compatible with buildings in the surrounding area. This previously only applied to all other commercial districts C-2, C-3 and C-4.
- (5) Buildings in all commercial districts must have the 30% of the front façade made up of windows and doors. The existing text only applied this to the C-4 district. This represents a significant increase in architectural detail required for the front façade of buildings.

**13. Conditional Uses Regulations – Majority of the changes in Chapter 1147 – Page 36**

Due to the removal of Public Parks and Playgrounds, Public Safety Facilities and Community Recreation Facilities as conditional uses in certain districts, deletions and renumbering was necessary. The changes are completely clerical and are the result of other modifications. In addition, these changes were not included in the Planning Commission's review as they were identified at a later date.

**14. Multi-Family Conditional Use Regulations – Section 1147.09 – Page 39**

Multi-family residential uses are conditional uses in two commercial districts. Existing regulations addressed orientation, accessory structures, and dwelling units for such a multi-family use. The amendment proposed the deletion of a number of the requirements. Updated text states that multi-family uses in the C-3 (Community Commercial) district must meet all applicable requirements of the R-3 (Attached Single Family) district and multi-family uses in the C-5 (General Commercial) district must meet all applicable requirements of the R-4 (Multi-Family) district. This change ensures that multi-family developments in C-3 and C-5 adhere to appropriate requirements for such development.

**15. Woodlands – Sections 1165.03 and 1165.14 – Pages 41 and 44**

These two sections add a definition for a woodland, which is essentially a wooded area of one acre, and require that such areas are identified and considered during Development Plan review. The proposed sections require that woodlands are preserved as much as practically possible and do not equate to a "no build" zone.

**16. Street Tree and Street Frontage Planting Requirements – Sections 1165.04 and 1165.05 – Page 41**

Street tree planting requirements have been amended to allow for flexibility in the location of street trees if determined necessary by the Planning Commission or Zoning Administrator. Street frontage plantings have been reduced from 3 trees and 20 shrubs to 2 trees and 15 shrubs per 100 linear feet of frontage. This change has been in response to a disproportionately high number of trees required in the existing calculation. Other sections of Chapter 1165 also require trees in the perimeter (side) yard, within parking lots and adjacent to less intensive uses.



**17. Parking Lot Screening & Landscaping – Section 1165.06 – Page 42**

The existing section for screening parking lots from the public right-of-way included a number of specific options. The section did not read well and the options for screening were difficult to interpret. A majority of Section 1165.06(c) was deleted and rewritten. The proposed text requires a 10 ft. wide landscape buffer with a 3 ft. high landscaped hedge. The section also allows landscaping to be placed on a berm to achieve the screening height and allows a wall to be incorporated within the buffer.

**18. Outdoor Loading Areas – Section 1165.08(c) – Page 44**

The existing Section 1165.08 includes outdoor storage and loading areas. The screening of outdoor storage is addressed in other sections of the code and was removed from this section as a result. Screening for loading areas was modified to allow landscaping as an option for screening and allow a gap in the screening of loading areas for ingress and egress.

**EXHIBIT A**

**PROPOSED ZONING CODE AMENDMENTS TO CHAPTER 1103 (DEFINITIONS), CHAPTER 1115 (SUBDIVISION REQUIREMENTS), CHAPTER 1125 (GENERAL USE REGULATIONS), CHAPTER 1129 (AGRICULTURAL DISTRICT), CHAPTER 1131 (COMMUNITY FACILITIES DISTRICT), CHAPTER 1133 (SINGLE-FAMILY RESIDENTIAL DISTRICTS), CHAPTER 1134 (CLUSTER RESIDENTIAL DEVELOPMENT REGULATIONS), CHAPTER 1135 (MULTI-FAMILY RESIDENTIAL DISTRICTS), CHAPTER 1137 (MANUFACTURING HOME PARK DISTRICT), CHAPTER 1141 (COMMERCIAL DISTRICT REGULATIONS), CHAPTER 1142 (CPRO DISTRICT), CHAPTER 1143 (MANUFACTURING DISTRICT REGULATIONS), CHAPTER 1145 (PDOD DISTRICT), 1165 (LANDSCAPING AND LAND USE BUFFERS), AND CHAPTER 1171 (SIGN REGULATIONS)**

**CHAPTER 1103 (DEFINITIONS)**

**1103.02 DEFINITIONS.**

- (a) Words used in this Ordinance are used in their ordinary English usage.
- (b) For the purpose of this Zoning Ordinance, the following terms shall have the meaning herein indicated:
  - (174) Public safety, *health or utility* facility. A municipal, government facility *utilized* for public safety, *health, utility*, and *or* emergency services, including, but not limited to, a facility that provides police or fire protection, *a facility that provides for public utility retention, treatment, distribution, or service or other municipal facility necessary to maintain the public health, safety and welfare including* and related administrative facilities.
  - (243) Utility substation/distribution facility, indoor. A facility contained entirely within a building, which performs either of the following functions:
    - A. Aids in the transmission or distribution of gas, electricity, steam or water, or landline telephone communications.
    - B. Is used as a distribution center, including but not limited to a ~~water pumping station, water reservoir,~~ transformer station, landline telephone exchange, or building for radio, television, but not including a yard or building for storage, maintenance or repair service.



**CHAPTER 1115 (SUBDIVISION REQUIREMENTS)**

**1115.06 CONTENTS OF FINAL PLAT DOCUMENTS.**

- (i) Covenants, Easements and Restrictions.
  - (2) For projects that include any area for common use of or to be maintained by multiple property owners, the association's bylaws or code of regulations, which shall comply with the provisions in Section 1125.142,

Note

Requirements of Owners Associations. The provisions and authority for any Architectural Review that may control any aspect of the project beyond the City's regulations must also be included, if architectural standards were approved as part of a development.

**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:

- (k) *An exterior lighting plan pursuant to Section 1167.03.*
- (k) Other information necessary for the evaluation of the final/minor development plan as deemed necessary by the Zoning Administrator.

**CHAPTER 1125 (GENERAL USE REGULATIONS)**

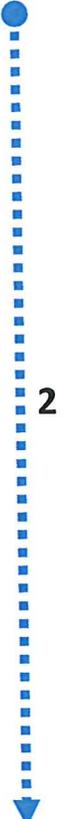
**1125.02 PERMITTED OBSTRUCTIONS WITHIN REQUIRED SETBACKS OR OTHER RELATED OPEN SPACE.**

The following are permitted obstructions within required setbacks or other required open space, subject to the height and lot coverage regulations of Title Three and to any other provisions of this Code applicable thereto, provided they are so located that natural light and ventilation are not materially obstructed from the principal building or any adjoining property.

- (f) Walls and fences as per Sections 1125.07 and 1107.04 *the requirements of the applicable zoning district*; however, if the wall or fence is used to enclose entrances or courtyards in the front yard, approval of the Zoning Administrator is required.

~~**1125.07 FENCES AND WALLS IN RESIDENTIAL DISTRICTS.**~~

- ~~(a) Fences and similar screening devices shall not exceed six (6) feet in height in residential districts, except in the front yard and when enclosing a tennis court with a fence. In the front yard, fences shall not exceed four (4) feet in height provided that at street intersections, no fence shall be constructed, erected or installed which will obstruct line of sight or traffic visibility. When enclosing a standard tennis court, fences shall not exceed ten (10) feet in height and shall not exceed twelve (12) feet in height for platform tennis courts. A zoning certificate shall be obtained and approved prior to erecting any fence in a residential district.~~
- ~~(b) Barbed wire, spike, razor wire, or electric fences are prohibited in any residential district.~~
- ~~(c) At least fifty (50) percent of the vertical surface of a fence located in a front yard shall be open.~~
- ~~(d) Fences that are painted, shall be one color. Fences and walls shall be maintained in good repair at all times by the owner and/or occupant of the lot on which they are located. The smooth finished side of the fence shall be the side of the fence that faces outward from the yard being fenced.~~



- ~~(e) Fences may be built up to the property line, but 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.~~
- ~~(f) Decorative walls or fences may be used to enclose entrances or courtyards to a height of six (6) feet at the front of the residential dwelling, if approved by the Zoning Administrator upon the review of a development plan of the property showing the location of the walls or fences.~~
- ~~(g) Decorative walls and/or fences used as main entrance features to an existing or new residential subdivision or development shall not:
 
  - ~~(1) Exceed six (6) feet in height in any yard;~~
  - ~~(2) Be located in the public right-of-way; and~~
  - ~~(3) Obstruct line of sight or traffic visibility.~~~~
- ~~(h) All fences and decorative walls shall comply with Section 1125.17, Visibility at Intersections. (Ord. 2005-49. Passed 5-21-07.)~~

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**1125.087 SWIMMING POOLS.**

*(No changes to any text in this section)*

**1125.098 ~~PARKING AND USAGE OF RECREATIONAL VEHICLES AND MOTOR VEHICLES IN RESIDENTIAL DISTRICTS.~~**

- (a) *Recreational Vehicles.* Recreational vehicles 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.**
  - (a1) *In residential zoning districts,* Recreational vehicles, camper trailers, small utility trailers and boats and boat trailers may be parked or stored outside an enclosed garage, other accessory building or on a driveway provided that no such vehicle shall overhang in the public right-of-way, or be parked or stored on a public street or alley right-of-way, or **be located in the required front setback, or on that part of the driveway which may be located in the required front setback be located in a required side setback abutting a public right-of-way.** A driveway or parking space may not be constructed in the required front setback **or side setback abutting a public right-of-way** for the sole purpose of parking or storing of such vehicles.**
  - ~~(b) Recreational vehicles may be parked subject to the conditions stipulated in subsection (a) provided that no living quarters shall be maintained therein, or any business conducted in connection therewith while such trailer is stored or parked and that no permanent connection is made to any utilities.~~
  - (e2) Recreational vehicles may be parked on the premises for less than seventy-two (72) hours for accommodation of guests provided that the vehicle is not parked on the public street or alley right-of-way.**
  - (3) *Recreational vehicles shall only be parked in nonresidential zoning districts subject to use regulations and outdoor display and storage regulations of the applicable zoning district.***
  - (d4) If the recreational equipment *vehicle* is parked or stored outside, it shall be parked on an impervious surface, such as asphalt or concrete.**

3



3

(e5) All recreational equipment **vehicles** shall be kept in good repair and carry a current year's license or registration.

(b) **Motor Vehicles.**

(1) ***In a residential zoning district or within any public right-of-way, the repainting, rebuilding, overhauling or dismantling of a vehicle or the storage of tires, motor, body or other parts in an open yard is prohibited.***

(2) ***In residential zoning districts and any public right-of-way, the parking or the outdoor storage of commercial motor vehicles, semi-trailers and/or buses is prohibited.***

(3) ***In all nonresidential zoning districts, the parking or the outdoor storage of commercial motor vehicles shall be subject to use regulations and outdoor display and storage regulations of the applicable zoning district.***

~~1125.10 ADDITIONAL REGULATIONS REGARDING MOTOR VEHICLES IN RESIDENTIAL ZONING DISTRICTS.~~

~~(a) The repainting, rebuilding, overhauling or dismantling of a vehicle or the storage of tires, motor, body or other parts in an open yard is prohibited on a residential lot.~~

~~(b) The overnight parking or the outdoor storage of commercial motor vehicles and/or buses is prohibited.~~

**1125.1109 LOT REGULATIONS.**

*(No changes to any text in this section)*

**1125.120 RESERVED.**

**1125.131 PROXIMITY OF BUILDINGS TO EXISTING GAS AND/OR OIL WELLS. (REPEALED)**

*(No changes to any text in this section)*

**1125.142 REQUIREMENTS FOR OWNERS ASSOCIATIONS.**

*(No changes to any text in this section)*

**1125.153 GENERAL DISTRICT REGULATIONS.**

*(No changes to any text in this section)*

**1125.164 PERFORMANCE STANDARDS.**

*(No changes to any text in this section)*

**1125.175 VISIBILITY AT INTERSECTIONS.**

*(No changes to any text in this section)*

**1125.186 GARAGE OR YARD SALES.**

*(No changes to any text in this section)*

**CHAPTER 1129 (AGRICULTURAL DISTRICT)**

**1129.02 USE REGULATIONS.**

- (c) Accessory Uses. An accessory use that is clearly incidental and subordinate to a use listed in Table 1129.02 shall be permitted provided that the requirements of this Planning and Zoning Code and all other City Codes have been met. Accessory uses are further regulated as listed below.
  - (3) Fences, walls, landscape features in compliance with Section 1133.07 and Chapter 1125.
- (d) Table 1129.02 Permitted Uses.

LAND USE CATEGORY	AG AGRICULTURAL DISTRICT
(1)	
<i>E. Public safety, health or utility facility</i>	<i>P</i>



**CHAPTER 1131 – (COMMUNITY FACILITIES DISTRICT)**

**1131.02 USE REGULATIONS.**

- (c) Accessory Uses. An accessory use that is clearly incidental and subordinate to a use listed in Table 1131.02 shall be permitted provided that the requirements of all other City ordinances and this Planning and Zoning Code have been met. Accessory uses are further regulated as noted below.
  - (1) Off street parking, as regulated in this district and Chapter 1169.
  - (2) Signs, as regulated in Chapter 1171.
- (d) Table of Permitted Uses.

<b>Table 1131.02 Permitted Uses</b>		
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 <sup>(a)</sup>
<b>(#1) Community Facilities</b>		
(1) <b>A.</b> Cemetery	C	P
(2) <b>B.</b> Civic facility for public assembly	C	P
(3) <b>C.</b> Day care facility, adult and/or child, accessory to a permitted or conditional use	C	P
(4) <b>D.</b> Hospital and associated medical offices	C	P

Note

<b>Table 1131.02 Permitted Uses</b>		
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 <sup>(a)</sup>
<del>(5)</del> <b>E.</b> Libraries, cultural institutions, monuments	C	P
<del>(6)</del> <b>F.</b> Place of worship	C	P
<b>G. Administrative government offices</b>	<b>P</b>	<b>P</b>
<b>H. Public safety, health or utility facility</b>	<b>P</b>	<b>P</b>
<b>(b2) Educational Facilities</b>		
<del>(1)</del> <b>A.</b> School, college/university, including associated on-campus student housing and athletic fields	C	P
<del>(2)</del> <b>B.</b> School facility, public or private – elementary/secondary	C	P
<b>(e3) Recreation Facilities</b>		
<del>(1)</del> <b>A.</b> Golf course	C	P
<del>(2)</del> <b>B.</b> Outdoor recreation facilities provided by the City of Wooster	P	P
<del>(3)</del> <b>C.</b> Other outdoor community recreation facilities	C	P
<del>(4)</del> <b>D.</b> Public park and/or playground	P	P
<b>(e4) Residential Facilities</b>		
<del>(1)</del> <b>A.</b> Residential uses affiliated with a college or university including clubs	C	P
<del>(2)</del> <b>B.</b> Congregate care facility/Nursing home	C	P
<del>(3)</del> <b>C.</b> Parish residence, convent or other residential use associated with a place of worship	C	P
<b>(e5) Accessory Uses</b>		
<del>(1)</del> Administrative government offices	C	P
<b>A. Off-street parking</b>	<b>A</b>	<b>A</b>
<b>(#6) Other Uses</b>		
<b>A.</b> Wireless telecommunications facility	See Chapter 1173	

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<b>Table 1131.02 Permitted Uses</b>		
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 <sup>(a)</sup>
<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.</p> <p>P = Principal use permitted by right C = Conditional use <i>A = Accessory use</i></p>		

**1131.06 ACCESSORY USE *STRUCTURE* REGULATIONS.**

Accessory uses *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.

- (b) Fences and Walls. Fences and walls shall comply with the regulations set forth below:
  - (1) Location.
    - C. All fences shall comply with Section 1125.175, Visibility at Intersections.

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

**1133.02 USE REGULATIONS.**

- (c) Accessory Uses. An accessory use that is clearly incidental and subordinate to a use listed in Table 1133.02 shall be permitted provided that the requirements of this Planning and Zoning Code and all other City Codes have been met. Accessory uses are further regulated as listed below.
  - (1) ~~Accessory buildings and structures in compliance with Section 1133.07, Accessory Uses and Structures.~~
  - (2) Family day care home, “type B” in compliance with Chapter 1125, General Use Regulations.
  - (3) ~~Fences, walls, landscape features in compliance with Section 1133.07 and Chapter 1125.~~
  - (4) Home occupations in compliance with Chapter 1125.
  - (5) Off-street parking areas in compliance with Chapter 1169.
  - (6) ~~Private swimming pools in compliance with Section 1133.07 and Chapter 1125.~~
  - (7) ~~Signs in compliance with Chapter 1171.~~

Note

(d) Table 1133.02 Permitted Uses.

	R-1 Suburban Single-Family District	R-2 Single-Family District	R-T Traditional Residential District
<b>(1) Residential</b>			
A. Single-family detached dwelling	P	P	P
B. Single-family attached dwelling	--	--	C
C. Two-family dwelling – new construction	--	C	--
D. Two-family dwelling conversion from SF dwelling	--	C	--
E. Cluster Residential Development (CRD) in compliance with Chapter 1134	P	P	--
F. Bed and breakfast establishment	--	--	C
G. Adult care facility for 3-5 persons	P	P	P
H. Residential facility for 5 or fewer persons	P	P	P
I. Residential facility for 6-8 persons	P	P	P
J. Flag lots	C	--	--
<b>(2) Community Facilities on less than 10-acre sites</b>			
A. Place of worship/church	C	C	C
B. Cemetery	C	--	--
C. Day care facility, child and/or adult	C	C	C
D. Library, cultural institution	--	C	C
E. Public safety, <i>health or utility</i> facility	€P	€P	€P
F. Utility substation/distribution facility, indoor	C	C	C
G. School (public/private) elementary/secondary	C	C	C
<b>(3) Open Space/Recreation</b>			
A. Agriculture, except confined feeding operations	–	–	–

	R-1 Suburban Single-Family District	R-2 Single-Family District	R-T Traditional Residential District
⊖A. Golf course, except miniature golf	C	C	--
€B. Community recreation facility	C	C	C
⊖C. Public park, public playground	€P	€P	P
<b>(4) Other Uses</b>			
A. Wireless telecommunication facility	See Chapter 1173		
B. Family Day Care Home, Type B	A	A	A
<i>P = Permitted by right      C = Conditional      A = Accessory</i> <i>-- = Use not permitted in district</i>			

**1133.03 LOT AREA AND WIDTH REQUIREMENTS.**

(c) Table 1133.03 Minimum Lot Requirements:

	R-1 Suburban Single-Family District	R-2 Single-Family District	R-T Traditional Residential District
1. Minimum lot size	8,700 sq. ft.	6,500 sq. ft.	4,350 sq. ft.
2. Minimum width at building line	70 ft.	50 ft.	40 ft.
3. Minimum lot frontage on a cul-de sac	50 ft.	40 ft.	40 ft.
4. Maximum <b>coverage of the lot by buildings</b> coverage <sup>(a)</sup>	25% or 2300 sq. ft. whichever is greater		25%
<b>5. Maximum lot coverage<sup>(a)</sup></b>	<b>35%</b>		<b>40%</b>
<b>(a) See Section 1133.07(d) for building coverage of accessory structures</b>			

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**1133.04 SETBACK REQUIREMENTS.**

Dwelling units shall be located on a lot in a manner that maintains the minimum front, side and rear setbacks set forth in this section for the district in which the lot is located, except as otherwise regulated in Chapter 1134, Cluster Development Regulations, Chapter 1145, Planned Development Overlay Districts, and Chapter 1147 Conditional Use Regulations.

- (a) Front Setback. Each lot shall maintain a front setback in compliance with Table 1133.04, except as otherwise permitted in sub-section (b) below.
- (b) Front Setback on Built-up Blocks. Where more than **fifty (50%) percent** of lots of a residential block, where the block length does not exceed **two thousand (2000) feet**, are occupied by buildings of the type and use permitted in the district, the minimum front setback depth for **a new principle** building shall be the average depth, plus or minus five (**5**) feet, of the front setbacks of existing dwellings located within **one**

Note

**hundred** (100) feet on either side of a given lot, provided however, the depth of the front setback resulting there from shall not be less than one-half (**1/2**) the distance set forth in Table 1133.04.

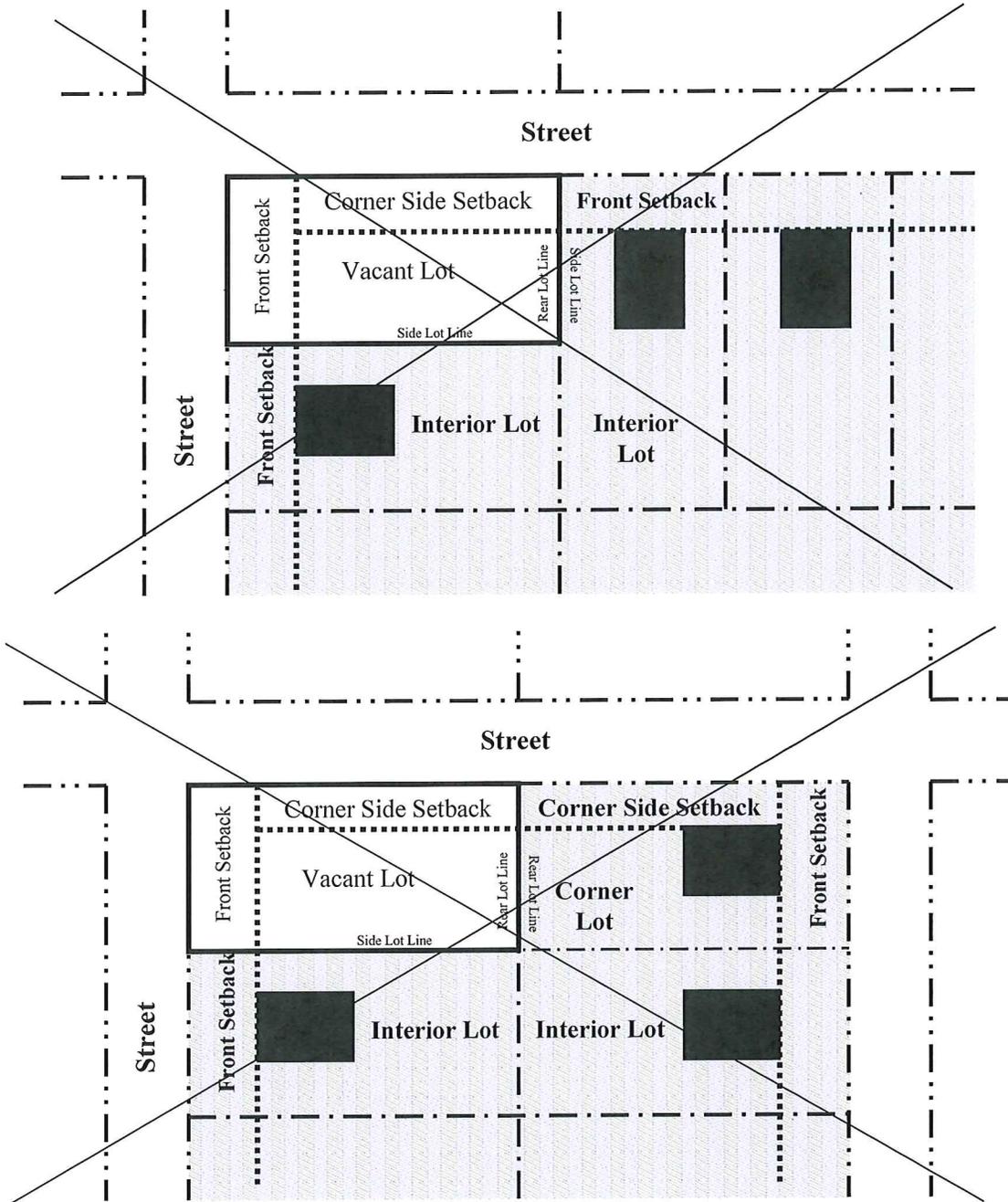
- ~~(e) Front Setback on Through Lots. On a through lot, a front setback shall be provided on each frontage equal to the minimum required front setback as set forth in Table 1133.04. There shall be no required rear setback on a through lot.~~
- ~~(d) Side Setbacks. Each interior and through lot shall have and maintain two (2) side yards **as set forth in** Table 1133.04 sets forth the minimum width of any side setback and the minimum total width of both side setbacks **and in Section 1133.04(e), as applicable.**~~
- ~~(e) Side Setbacks for Corner Lots. Corner lots shall maintain the following setback requirements See Figure 1 below.~~
  - ~~(1) Corner Side Setback. Where new construction or an addition to an existing building is proposed for a corner lot, such building or building addition shall maintain a corner side setback that complies with the following:
 
    - A. When the rear lot line of a corner lot coincides with the rear lot line of another corner lot, the corner side setback shall be the greater of:
      - 1. The corner side setback of the abutting corner lot; or
      - 2. The minimum side setback set forth in Table 1133.04.
    - B. When the rear lot line of a corner lot coincides with the side lot line of an interior lot. The corner side setback shall comply with the requirements for a front setback, including subsection (b) above for front setback dimensions on built up blocks.~~
  - ~~(2) Interior Side Setback. The width of a side setback along the interior side lot line shall not be less than the minimum side setback as set forth in Table 1133.04.~~
- ~~(d) Rear Setback. Each lot shall maintain a rear setback as specified in Table 1133.04 **and in Section 1133.04(e), as applicable.**~~
- ~~(e) Lots Abutting Public Rights-of-Way. Any side of a lot abutting a public street right-of-way shall maintain a setback equal to the applicable front setback set forth in Table 1133.04, except as otherwise stated in sub-section (b) above. Any side of a lot abutting a public alley right-of-way shall maintain the applicable front, side or rear setback set forth in Table 1133.04.~~
- ~~(f) All structures shall comply with Section 1125.15, Visibility at Intersections.~~
- (g) Table 1133.04 Minimum Setback Requirements:

	R-1	R-2	R-T
	Suburban Single-Family District	Single-Family District	Traditional Residential District
(1) Front Setback <sup>a</sup>	25 ft.	25 ft.	20 ft.
(2) Side Setback <sup>a</sup>			
A. Minimum of any one side	5 feet <b>ft.</b>	5 feet <b>ft.</b>	5 feet <b>ft.</b>
B. Total side setback	15 feet <b>ft.</b>	15 feet <b>ft.</b>	10 feet <b>ft.</b>
(3) Rear Setback <sup>a</sup>	20 ft.	20 ft.	20 ft.
<b>(a) See Section 1125.02 for permitted obstructions within required setbacks or other related open space</b>			

Notes to Table 1133.04:

- (a) See Section 1125.02 for permitted obstructions within required setbacks or other related open space. (Ord. 2012-24, Passed 8-20-12.)

Figure 1 — Corner Side Setback Requirements:



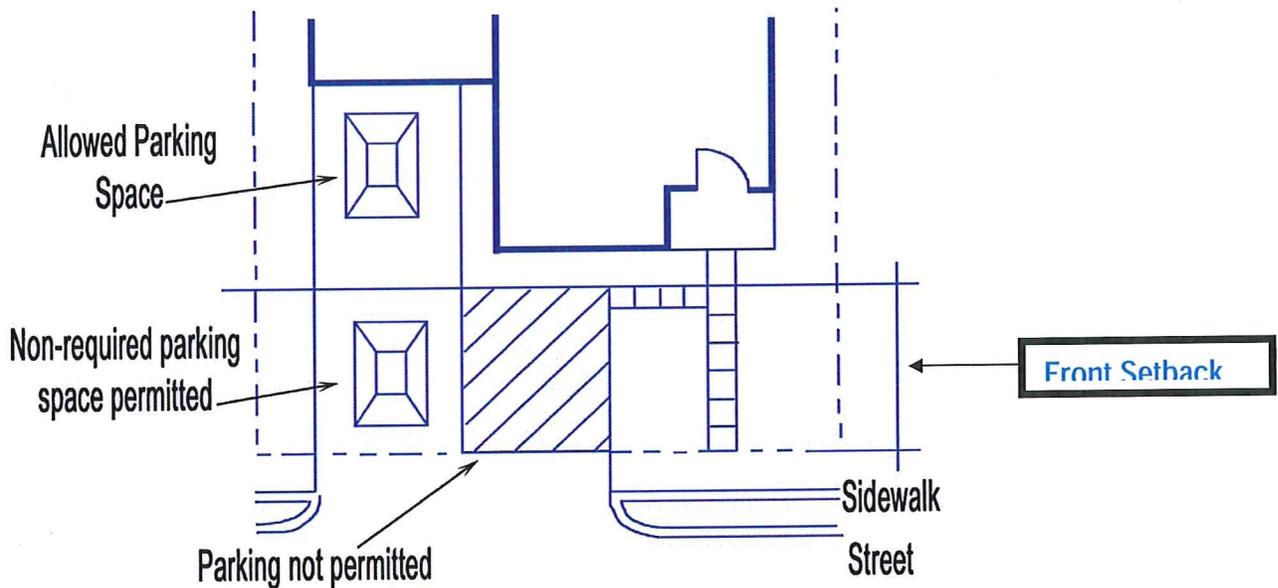
Note

**1133.06 DESIGN CRITERIA FOR DWELLINGS LOCATED IN THE R-T DISTRICT.**

All single-family detached dwellings in the R-T District shall comply with the following regulations. The Design and Review Board may exempt applicants from these standards when the exterior building modifications are minor in nature, meaning the design modifications will have no discernable impact on neighboring properties, the public, the public right-of-way, or those intended to occupy or use the proposed development.

- (e) Required parking areas shall not be located in the front setback, and supplemental parking areas are prohibited between the front building line and the front setback line. See Figure 21 below.

**Figure 21  
Permitted Parking Locations in the R-T District**



**1133.05 HEIGHT REGULATIONS.**

All buildings and structures in any residential district shall comply with the following height regulations:

- (a) The height of principal buildings and structures shall not exceed **thirty-five (35)** feet above average ground level.
- (b) The height of accessory buildings and structures shall not exceed **twenty (20)** feet above average ground level.
- (c) Permitted height exceptions are set forth in Section 1125.03, Supplementary Height Regulations. (Ord. 2006-49. Passed 5-21-07.)

**1133.07 ACCESSORY USES AND STRUCTURES.**

Accessory ~~uses,~~ buildings and structures permitted in single-family residential districts shall conform to the ~~location, coverage, and maintenance~~ standards contained in this Section and Chapter 1125, if applicable. No accessory building ~~or use~~ shall be established on a lot unless a principal building ~~or use~~ has first been established on the lot in conformance with all applicable provisions of this Planning and Zoning Code.

- (a) Location Requirements for Accessory Uses-Structures. An ~~a~~ **Accessory buildings or use and structures** permitted in a residential district shall be located as set forth in Table 1133.07. However, an accessory use shall only be permitted to the extent such use complies with all other accessory use regulations set forth in this Planning and Zoning Code. (Ord. 2006-49, Passed 5-21-07.)
- (b) Table 1133.07 Permitted Accessory Structures or Uses In Front, Side And Rear Yards:

<b>Table 1133.07 Permitted Accessory Structures In Front, Side And Rear Yards</b>				
<del>Use-Structure</del>	Yard Permitted	Minimum Setback From Lot Line		
		Front	Side	Rear
<del>1. Attached accessory buildings and structures</del>	None	(a)	(a)	(a)
<b>21. Detached accessory buildings, including garages</b>	Side, rear	NP	(b) <b>5 ft.</b>	(b) <b>5 ft.</b>
<b>32. Driveways</b>	Front, corner side, side, rear	<del>NA</del> <b>0 ft.</b>	3 ft.	3 ft.
<b>43. Unroofed parking spaces <sup>(ea)</sup></b>	Front, corner side, side, rear	(a) <b>20 ft.</b>	(b) <b>5 ft.</b>	(b) <b>5 ft.</b>
<del>54. Fences, walls</del>	Front, corner side, side, rear	<b>0 ft.</b>	<b>0 ft.</b>	<b>0 ft.</b>
<b>65. Outdoor storage of recreation vehicle. See also §1125.09 <sup>(b)</sup></b>	Side, rear	NP	(b) <b>10 ft.</b>	(b) <b>10 ft.</b>
<b>76. Private Swimming pools.</b>	Rear	NP	See §1125.08 <b>10 ft.</b>	See §1125.08 <b>10 ft.</b>
<b>Notes to Table 1133.07:</b>				
(a) <del>Shall comply with the setback requirements for principal buildings set forth in Table 1133.04.</del>				
(b) <del>Shall comply with the side setback requirements for principal buildings in Table 1133.04.</del>				
(ea) Required and non-required parking spaces are permitted in a driveway as shown in Figure <del>21</del> under Section 1133.06(e).				
<b>(b) See Section 1125.08 for additional outdoor storage of recreation vehicle regulations</b>				
NA Not Applicable.				
NP Not Permitted				

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- (c) Accessory Buildings. No more than two (2) accessory buildings shall be located on a single zoning lot **of record in a single-family residential district.**
- (d) Maximum Area and Rear Yard Coverage of Accessory Buildings and Structures. The total area of all accessory buildings and structures shall not occupy more than **thirty (30%) percent** of the rear yard. **Accessory buildings and structures shall also be subject to building and lot coverage standards in Section 1133.03.**
- (e) Additional Regulations for Parking Areas. Accessory off-street parking spaces shall be provided in compliance with the parking requirements set forth in Chapter 1169, which shall be located on the same lot as the dwelling served.
- (f) Swimming Pools. Private swimming pools for the exclusive use of residents of the premises may be located in any residential district provided they comply with the

Note

locational and coverage requirements of accessory structures set forth in this Chapter and the supplemental regulations set forth in Section 1125.087, Swimming Pools.

- (g) ~~Fences and Walls.~~ Fences and walls in any residential district shall comply with the regulations in Section 1125.07, Fences and Walls in Residential Districts.
- (hg) Temporary Storage Units. Temporary storage units, meaning those without a foundation, shall not be permitted in a front or side yard. They may be placed on a lot, in order to unload or load them, for not more than fourteen (14) days in any six (6) month period, provided they shall not be located in a front *or side* yard, except on an *existing* impervious surface such as the driveway, during this fourteen (14) day period. (Ord. 2006-49. Passed 5-21-07.)
- (h) *Fences, Walls and Similar Screening Devices.* *Fences, walls and similar screening devices in any single-family residential district shall comply with the following requirements:*
- (1) *Fences, walls and similar screening devices shall not exceed six (6) feet in height in single-family residential districts unless noted below:*
    - A. *In a required front yard setback, or a required setback abutting a public street right-of-way, fences, walls and similar screening devices shall not exceed four (4) feet in height. This requirement shall not apply to fences, walls and similar screening devices in a required setback abutting a public alley right-of-way.*
    - B. *When enclosing a tennis court, fences shall not exceed twelve (12) feet in height.*
  - (2) *Barbed wire, spike, razor wire, or electric fences, walls and similar screening devices are prohibited in any single-family residential district.*
  - (3) *At least fifty (50) percent of the vertical surface of a fence located in a front yard setback, or a required setback abutting a public street right-of-way, shall be open. This requirement shall not apply to fences in a required setback abutting a public alley right-of-way.*
  - (4) *Fences that are painted, shall be one color. Fences, walls and similar screening devices shall be maintained in good repair and structurally sound at all times by the owner and/or occupant of the lot on which they are located. The smooth finished side of the fence shall be the side of the fence that faces outward from the yard being fenced.*
  - (5) *Fences, walls and similar screening devices may be built up to the property line, but 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.*
  - (6) *All fences, walls and similar screening devices shall comply with Section 1125.15, Visibility at Intersections.*

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**CHAPTER 1134  
(CLUSTER RESIDENTIAL DEVELOPMENT REGULATIONS)**

**1134.10 HOMEOWNERS ASSOCIATIONS.**

As part of a Cluster Residential development, a homeowners association, community association, condominium association or similar legal entity shall be created in compliance with

Section 1125.14~~2~~, Requirements for Owners Association, so that such association is responsible for the maintenance and control of common areas, including the required open space, open space easements, private streets and common drives.

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

**1135.01 INTENT.**

Multi-Family Residential District (R-3, R-4) regulations are established in order to achieve, among others, the following purposes:

- (e) To carry out the following specific purposes:
  - (1) The R-3 **Attached Single-Family/Townhouse** District is established to provide, preserve and protect medium density residential areas for attached single-family dwellings arranged to provide good building site design and effective open space in areas adequately served by City sewer, water and streets.
  - (2) The R-4 **Multi-Family** District is established to provide, preserve and protect locations for high density apartment development in areas with appropriate levels of service.

**1135.02 USE REGULATIONS.**

- (c) Accessory Uses. An accessory use that is clearly incidental and subordinate to a use listed in Table 1135.02 shall be permitted provided that the requirements of this Planning and Zoning Code and other city codes have been met. ~~Accessory uses are further regulated as noted below.~~
  - ~~(1) Accessory storage buildings or structures in compliance with Section 1135.05.~~
  - ~~(2) Fences, walls, landscape features and other structures in compliance with Section 1135.05 and Chapter 1125.~~
  - (3) Home occupations in compliance with Chapter 1125.**
  - (4) Private garages and off street parking spaces in compliance with this Chapter and Chapter 1169.**
  - ~~(5) Signs in compliance with Chapter 1171.~~

Note

(d) Table 1135.02 Permitted Uses.

<b>Table 1135.02 Permitted Uses</b>		
	<b>R-3</b>	<b>R-4</b>
	Attached Single-Family/Townhouse District	Multi-Family District
<b><del>A</del>1. Residential</b>		
<del>1</del> A. Single-family detached dwellings	P in subdivisions established prior to June 21, 2007 <sup>1</sup> & in accordance with §1135.03(b) <sup>1</sup>	P in subdivisions established prior to June 21, 2007 <sup>1</sup> & in accordance with §1135.05(b) <sup>1</sup>
<del>2.</del> Multi-family development including one or more of the following unit types: 1. Two-family dwellings 2. Single-family attached dwellings 3. Multiple-family dwellings	P	P
<b><del>B</del> B. Single-family attached dwellings</b>	<b><del>P</del> P</b>	<b><del>P</del> P</b>
<b><del>C</del> C. Two-family dwellings</b>	<b><del>P</del> P</b>	<b><del>P</del> P</b>
<b><del>D</del> D. Multi-family dwellings</b>	<b><del>--</del> --</b>	<b><del>P</del> P</b>
<del>3</del> E. Boarding house	C	C
<del>4</del> F. Adult care facility for 3-5 persons	P	P
<del>5</del> G. Adult care facility for 6-16 persons	C	C
<del>6</del> H. Residential facility for 5 or fewer persons	P	P
<del>7</del> I. Residential facility for 6-8 persons	P	P
<del>8</del> J. Residential facility for 9-16 persons	C	C
<b><del>B</del>2. Community Facilities</b>		
<del>1</del> A. Congregate Care Facility/Nursing home	C	C
<del>2</del> B. Place of worship/church	C	C
<del>3</del> C. Day care facility, child and/or adult	C	C
<del>4</del> D. Library, cultural institution	C	C
<del>5</del> E. Public safety, <b>health or utility</b> facility	<b><del>€</del> P</b>	<b><del>€</del> P</b>
<del>6</del> F. Utility substation/distribution facility, indoor	C	C
<del>7</del> G. School (public/private) elementary/secondary	C	C
<b><del>€</del>3. Open Space Recreation</b>		
<del>1</del> A. Community recreation facility	<b><del>€</del> P</b>	P

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<b>Table 1135.02 Permitted Uses</b>		
	<b>R-3</b>	<b>R-4</b>
	Attached Single-Family/Townhouse District	Multi-Family District
<del>2</del> <b>B.</b> Public park, public playground	P	P
<del>D</del> <b>4. Other Uses</b>		
<del>1</del> <b>A.</b> Wireless telecommunication facility	See Chapter 1173	
<del>2</del> <b>B.</b> Temporary sales offices/model unit	P	P
<del>3</del> <b>C.</b> Office use	--	C when contiguous to a commercial district
P = Principal Use Permitted By Right      C = Conditional Use      -- Use not permitted in district		
<b>Notes to Table 1133.02:</b>		
<sup>1</sup> To be permitted by right, such <i>for properties which were subdivided and</i> subdivisions shall have been approved and recorded in the Office of the Wayne County Recorder prior to June 21, 2007. <i>Such properties shall comply with all regulations for detached, single-family homes in the R-2 District that are contained in Chapter 1133.</i>		

**1135.03 AREA AND DENSITY REGULATIONS.**

Land area shall be divided and developed, and buildings shall be erected, altered, moved or maintained in a multi-family district only in compliance with the following area regulations.

- (a) Minimum Development Area. The gross area of a tract of land shall not be less than 5 acres. The entire tract of land to be developed shall be considered one zoning lot.
- (~~b~~) Single Family Requirements. ~~In the R-3 and R-4 Districts, single family dwellings on individually subdivided lots shall comply with the regulations for detached, single family homes in the R-2, Single Family District that are contained in Chapter 1133, Single Family Residential Districts.~~
- (~~e~~**b**) Minimum Frontage. Each lot shall abut upon a public street for a distance not less than set forth in Table 1135.03. In a multi-family development, buildings may be arranged in a group and all buildings need not front on a street.
- (~~e~~**c**) Maximum Density. The residential density of a multi-family development shall not exceed the number of dwelling units per acre set forth in Table 1135.03 for the district in which the development is located.
  - (1) Calculating Units. The total number of dwelling units permitted shall be calculated by multiplying the total project area, exclusive of public rights-of-way existing at the time the development plan is submitted, by the number of dwelling units permitted per acre.
- (~~e~~**d**) Maximum Coverage. The maximum coverage of the lot, for all areas covered by buildings shall not exceed the percentage of the total area of the development project set forth in Table 1135.03.
- (~~e~~**e**) Maximum Number of Attached Single-Family Units. A building comprised of attached single-family units shall have not more than six such units attached.

Note

(e) Table 1135.03 Lot and Density Regulations.



Table 1135.03 Lot and Density Regulations		
	R-3 Attached Single-Family/Townhouse District	R-4 Multi-Family District
(1) Minimum frontage	100 feet <i>ft.</i>	125 feet <i>ft.</i>
(2) Maximum dwelling units per acre	8	15
(3) Maximum lot coverage <i>of the lot</i> by buildings	25%	40%
(4) <i>Maximum lot coverage</i>	<i>45%</i>	<i>60%</i>

**1135.04 SITE DEVELOPMENT REGULATIONS.**

The following regulations are established to regulate the design and development of buildings in multi-family districts.

(e) Table 1135.04 Site Development Standards

Table 1135.04 Site Development Standards		
	R-3 Attached Single-Family/Townhouse District	R-4 Multi-Family District
(1) Minimum Building Setback from Right of Way <sup>(e)</sup>	25 feet	50 feet
(2) Minimum Building Setback from: <sup>(a)</sup>		
<i>A. Right-of-way</i>	<i>25 ft.</i>	<i>50 ft.</i>
<i>A.B.</i> Project boundary lines abutting an R-1, R-2 or R-T District	40 feet <i>ft.</i>	50 feet <i>ft.</i>
<i>B.C.</i> Project boundary line abutting all other a districts	20 feet <i>ft.</i>	20 feet <i>ft.</i>
(3) Minimum Parking Setback from:		
<i>A.</i> Right-of-Way	25 feet <i>ft.</i>	50 feet <i>ft.</i>
<i>A.B.</i> Project boundary lines abutting an R-1, R-2 or R-T District	20 feet <i>ft.</i>	20 feet <i>ft.</i>
<i>B.C.</i> Project boundary line abutting all other districts	10 feet <i>ft.</i>	10 feet <i>ft.</i>
(4) Minimum Building Separation	<i>25 ft.</i>	<i>25 ft.</i>
<i>A.</i> Main wall to main wall	25 feet	25 feet

B. Main wall to end wall	25 feet	25 feet
C. End wall to end wall	25 feet	25 feet
(54) Maximum Principal Building Height	35 feet <i>ft.</i>	6045 feet <i>ft.</i>
Notes to Table 1135.04: (a) See Section 1125.02 for permitted obstructions within required setbacks or other related open space.		

Notes to Table 1135.04:

- (a) See Section 1125.02 for permitted obstructions within required setbacks or other related open space.

**1135.05 ACCESSORY USE REGULATIONS STRUCTURES.**

Any accessory use permitted in an R-3 or R-4 District may occupy a part of the principal building, occupy a separate accessory structure or constitute an accessory land use. **Accessory buildings and structures permitted in multi-family residential districts shall conform to the standards contained in this Section and Chapter 1125, if applicable. No accessory building shall be established on a lot unless a principal building has first been established on the lot in conformance with all applicable provisions of this Planning and Zoning Code.**

- ~~(a) Fence and Wall Regulations.~~ Fences and walls shall comply with the setback requirements set forth in Section 1133.07 (b), Permitted Accessory Structures In Front, Side And Rear Yards, and the regulations regarding fences and walls in Chapter 1125.
- ~~(b) Swimming Pools.~~ Private swimming pools for the exclusive use of residents of the premises may be located in any residential district provided they comply with the locational and coverage requirements of accessory structures set forth in this Chapter and the supplemental regulations set forth in Section 1125.08, Swimming Pools.
- ~~(c) Minimum Setbacks for Accessory Buildings and Uses.~~ Accessory buildings including garages, carports and recreation facilities, and active recreation areas such as a swimming pool or tennis court which is intended for use by the residents of the residential development shall comply with the minimum setbacks set forth below
  - ~~(1) The minimum setback from the public right of way for such accessory buildings and uses shall be equal to the setback of the principal building.~~
  - ~~(2) The minimum setback from a side or rear lot line abutting an R-3 or nonresidential district shall be 15 feet.~~
  - ~~(3) The minimum setback from the side or rear lot line abutting an R-1 or R-2 district shall be 20 feet~~
- (a) Location Requirements for Accessory Structures. Accessory buildings and structures permitted in a multi-family residential district shall be located as set forth in Table 1135.05.**



Note

(b) Table 1135.05 Permitted Accessory Structures in Front, Side and Rear Yards:

<b>Table 1135.05 Permitted Accessory Structures in Front, Side and Rear Yards</b>				
<i>Structure</i>	<i>Yard Permitted</i>	<i>Minimum Setback From Lot Line</i>		
		<i>Front</i>	<i>Side</i>	<i>Rear</i>
<i>1. Detached accessory buildings<sup>(a)</sup>- Property boundary abutting R-1, R-2, R-3 and R-T Districts</i>	<i>Side, rear</i>	<i>NP</i>	<i>20 ft.</i>	<i>20 ft.</i>
<i>2. Detached accessory buildings<sup>(a)</sup>- Property boundary abutting all other districts</i>	<i>Side, rear</i>	<i>NP</i>	<i>10 ft.</i>	<i>10 ft.</i>
<i>3. Fences, walls</i>	<i>Front, corner side, side, rear</i>	<i>0 ft.</i>	<i>0 ft.</i>	<i>0 ft.</i>
<i>4. Outdoor storage of recreation vehicles<sup>(b)</sup></i>	<i>Side, rear</i>	<i>NP</i>	<i>10 ft.</i>	<i>10 ft.</i>
<i>5. Private Swimming pools<sup>(c)</sup></i>	<i>Rear</i>	<i>NP</i>	<i>10 ft.</i>	<i>10 ft.</i>
<u>Notes to Table 1135.05:</u>				
<i>(a) Detached accessory buildings include garages, recreational facilities and community recreational areas</i>				
<i>(b) See Section 1125.08 for additional outdoor storage of recreation vehicle regulations</i>				
<i>(c) See Section 1125.07 for additional swimming pool regulations</i>				
<i>NP Not Permitted</i>				

(c) Fences, Walls and similar screening devices. *Fences, walls and similar screening devices in any multi-family residential district shall comply with the following requirements:*

- (1) *Fences, walls and similar screening devices shall not exceed six (6) feet in height in multi-family residential districts unless noted below:*
  - A. *In a required front yard setback, or a required setback abutting a public street right-of-way, fences, walls and similar screening devices shall not exceed four (4) feet in height. This requirement shall not apply to fences, walls and similar screening devices in a required setback abutting a public alley right-of-way.*
  - B. *When enclosing a tennis court, fences shall not exceed twelve (12) feet in height.*
- (2) *Barbed wire, spike, razor wire, or electric fences, walls and similar screening devices are prohibited in any multi-family residential district.*
- (3) *At least fifty (50) percent of the vertical surface of a fence located in a front yard setback, or a required setback abutting a public street right-of-way, shall be open. This requirement shall not apply to fences in a required setback abutting a public alley right-of-way.*
- (4) *Fences that are painted, shall be one color. Fences, walls and similar screening devices shall be maintained in good repair at all times by the owner and/or occupant of the lot on which they are located. The smooth*

*finished side of the fence shall be the side of the fence that faces outward from the yard being fenced.*

- (5) *Fences, walls and similar screening devices may be built up to the property line, but 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.*
- (6) *All fences, walls and similar screening devices shall comply with Section 1125.15, Visibility at Intersections.*
- (d) Temporary Storage Units. *Temporary storage units, meaning those without a foundation, may be placed on a lot, in order to unload or load them, for not more than fourteen (14) days in any six (6) month period, provided they shall not be located in a front or side yard, except on an existing impervious surface such as the driveway, during this fourteen (14) day period.*

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

**1137.02 USE REGULATIONS.**

- (c) Accessory Uses. An accessory use that is clearly incidental and subordinate to a use listed in Table 1137.02 shall be permitted provided that the requirements of this Planning and Zoning Code and other city codes have been met. Accessory uses are further regulated as noted below.
  - (1) Home occupations in compliance with Chapter 1125.
  - (2) Off street parking spaces in compliance with this Chapter and Chapter 1169.
  - (3) ~~Signs in compliance with Chapter 1171.~~
- (d) Table of Permitted Uses.

<b>Table 1137.02 PERMITTED USES IN MANUFACTURED HOME DISTRICT</b>	
	<b>R-5 Manufactured Home</b>
<b>1. Residential</b>	
(a) <b>A.</b> Manufactured home	P
(b) <b>B.</b> Mobile home	P
(c) <b>C.</b> Manufactured home community	P
<b>2. Residential/Work</b>	
(a) <b>A.</b> Home occupation <sup>51</sup>	A
<b>3. Recreation/Open Space</b>	
(a) <b>A.</b> Park/playground	P
<b>4. Other</b>	
(a) <b>A.</b> Day care facility, child and/or adult	C
<b>B. Public safety, health or utility facility</b>	<b>P</b>
(b) <b>C.</b> Wireless Telecommunication facility	See Chapter 1173

4

Note

<b>Table 1137.02 PERMITTED USES IN MANUFACTURED HOME DISTRICT</b>	
	<b>R-5 Manufactured Home</b>
<b>5. Accessory Uses</b>	
(a) Accessory buildings	A
(b) <b>A.</b> Office <sup>+2</sup>	A
(c) <b>B.</b> Personal service establishment <sup>3</sup>	A
(d) <b>C.</b> Recreation facility, indoor <sup>2,4</sup>	A
(e) <b>D.</b> Recreation facility, outdoor <sup>2,4</sup>	A
(f) <b>E.</b> Retail Business <sup>3</sup>	A
(g) Signs	A
(h) <b>F.</b> Single-family dwelling, detached <sup>+5</sup>	A
<sup>±1</sup> As further regulated by Chapter 1125 <sup>+2</sup> An office for the on-site manager shall be a permitted. All other office uses are prohibited. <sup>3</sup> A personal service establishment and a retail business that is solely utilized by residents of the manufactured home community shall be permitted. <sup>2,4</sup> Recreation facilities that are solely utilized by the residents of the manufactured home community shall be permitted. <sup>+5</sup> A single-family detached dwelling for the on-site manager shall be permitted. All other single-family detached dwellings are prohibited.	
P = Use permitted by right; C = Conditional use; A = Accessory use; -- = Use not permitted	

**CHAPTER 1141 (COMMERCIAL DISTRICT REGULATIONS)**

**1141.09 ACCESSORY USE REGULATIONS.**

Accessory uses 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:

- (b) Fences and Walls. Fences and walls may be erected in any Commercial District in compliance with the requirements set forth below.
  - C. All fences shall comply with Section 1125.17~~5~~, Visibility at Intersections.

**CHAPTER 1142 (CPRO DISTRICT)**

**1142.07 ACCESSORY USE REGULATIONS.**

Accessory uses permitted in the CPRO District shall conform to the regulations in this Section as well as any other applicable Sections.

- (b) Fences and Walls. Fences and walls may be erected in the CPRO District in compliance with the requirements set forth below.
  - (1) Location.

- C. All fences shall comply with Section 1125.175, Visibility at Intersections.

**1142.09 PERFORMANCE STANDARDS.**

All uses shall comply with the following performance standards:

- (g) Emission. No land use or structure shall be used or occupied in any manner to create dangerous or objectionable noise or emissions. All uses shall comply with the regulations regarding emissions in Section 1125.164, Performance Standards.

**CHAPTER 1143 (MANUFACTURING DISTRICT REGULATIONS)**

**1143.08 ACCESSORY USE REGULATIONS.**

Accessory uses permitted in any Manufacturing District shall conform to the regulations of this Section and any other applicable regulation in this Planning and Zoning Code.

- (c) Fences and Walls. Fences and walls may be erected in any Industrial District in compliance with the requirements set forth below:
  - (1) Location.
    - C. All fences shall comply with Section 1125.175, Visibility at Intersections.

**CHAPTER 1145 (PDOD DISTRICT)**

**1145.06 SUBMISSION REQUIREMENTS.**

- (c) Contents of Final Development Plan Application. The application shall include the maps, plans, designs and supplementary documents itemized below. Copies of the maps, plans, designs and supplementary documents shall be submitted. Final development plans are intended to be detailed refinements for development and, as such shall be accurate, detailed representations of all the plan elements on the approved preliminary development plan. The applicant shall submit the number of copies determined by the Zoning Administrator. The information submitted shall include the following:
  - (10) Covenants, Easements and Restrictions.
    - B. For projects that include any area for common use of or to be maintained by multiple property owners, the Association's bylaws or Code of regulations, shall include provisions that comply with the requirements in Section 1125.142, Requirements for Owners Associations:

**CHAPTER 1165 (LANDSCAPING AND LAND USE BUFFERS)**

**1165.04 STREET TREE PLANTING REQUIREMENTS.**

In all zoning districts, developers shall plant and maintain shade trees along public streets in compliance with the following:

- (b) Location Requirements.
  - (4) Trees shall be planted an adequate distance from intersections so that at full maturity such planting shall comply with Section 1125.175, Visibility at

Note

Intersections, to ensure the unobstructed visibility of motorists and pedestrians.

**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.

- (c) Permanent Freestanding Signs. Permanent freestanding signs permitted in nonresidential districts shall comply with the following regulations:
  - (5) Minimum Sign Setback from Intersection. On corner lots, freestanding signs shall comply with the minimum sign setback from both street rights-of-way, as set forth in Table 1171.04(c) and shall comply with Section 1125.175.

ROBERT F. BRENEMAN  
Mayor



ANDREW DUTTON  
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330-263-5238

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CITY OF WOOSTER  
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538 N. MARKET STREET  
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August 29, 2013

Wooster City Council  
538 North Market Street  
Wooster, OH 44691

Dear Council Members:

At the August 28, 2013 meeting of the Wooster City Planning Commission, a motion was made and carried to recommend to Council approval of amendments to the Wooster Planning and Zoning Code Chapter 1141 (Commercial District Regulations), Chapter 1142 (CPRO District), Chapter 1143 (Manufacturing District Regulations), Chapter 1147 (Conditional Use Regulations), Chapter 1165 (Landscaping and Land Use Buffers) and Chapter 1169 (Off-Street Parking and Loading Regulations).

Sincerely,

Kevin Lowry, Chairman  
Wooster City Planning Commission

KL/lah  
Enclosures—Request for Agenda Item (City Council)

**EXHIBIT B**

**PROPOSED ZONING CODE AMENDMENTS TO CHAPTER 1141 (COMMERCIAL DISTRICT REGULATIONS), CHAPTER 1142 (C-PRO DISTRICT), CHAPTER 1143 (MANUFACTURING DISTRICT REGULATIONS), CHAPTER 1147 (CONDITIONAL USE REGULATIONS), CHAPTER 1165 (LANDSCAPING AND LAND USE BUFFERS), AND CHAPTER 1169 (OFF-STREET PARKING AND LOADING REGULATIONS)**

**CHAPTER 1141 (COMMERCIAL DISTRICTS)**

**1141.02 USE REGULATIONS.**

(d) Table 1141.02 Permitted Uses.

Table 1141.02 Permitted Uses					
	C-1 Office, Institutional	C-2 Neighborhood Business	C-3 Community Commercial	C-4 Central Business	C-5 General Commercial
<b>(1) Residential/Lodging</b>					
A. Single-family dwelling	P <sup>4</sup>	P <sup>4</sup>	--	--	--
B. Single-family attached dwellings	--	--	--	C	--
C. Two-family dwelling	P <sup>4</sup>	P <sup>4</sup>	--	--	C
D. Dwelling unit(s) above the first floor of a building	--	P	P	P	P
E. Bed and breakfast establishment	C	C	C	C	--
F. Hotel, motel	--	--	P	P	P
G. Multi-family dwelling	--	--	C	--	P <sup>5</sup> C
<b>(3) Retail and Services</b>					
L. Custom print shop	--	--	--	--	P <sup>6,5</sup>
<b>(6) Community Facilities/ Other</b>					
G. Public safety, <i>health or utility</i> facility	P	P	P	P	P
<b>(7) Accessory Uses</b>					
G. Signs	A	A	A	A	A
P = Permitted by right      C = Conditional      A= Accessory      -- = Use not permitted in district					



Note

- <sup>1</sup> This use shall be permitted by-right only when part of a multi-establishment building and is not the principal use of a building (i.e. occupying the majority of gross floor area). Otherwise, it is a prohibited use.
- <sup>2</sup> All operations, including storage, shall take place in a principal and/or an accessory building.
- <sup>3</sup> This use shall be permitted by-right when part of a multi-establishment building, and it is not the principal use a building. If the use is proposed to be the principal use in any building (i.e. occupying the majority of gross floor area), then the use is a conditional use.
- <sup>4</sup> Only those dwelling units that existed on June 21, 2007 shall be permitted. New dwelling units are prohibited.
- ~~<sup>5</sup> In the C-5, General Commercial District, the maximum residential density shall not exceed fifteen (15) dwelling units per acre. The total number of dwelling units permitted shall be calculated by multiplying the total project area, exclusive of public rights of way existing at the time the development plan is submitted, by the number of dwelling units permitted per acre. The minimum building wall separation shall be twenty five (25) feet.~~
- <sup>6.5</sup> Custom printing shall not be done for any wholesale purpose, use, or for other businesses; no noise or fumes shall be noticeable to adjacent property owners or shall be noticeable to the general public from the street; no heavy truck traffic shall be generated from this use; no evidence of the production area shall be seen from the exterior of the building or shall be visible from the display windows to the general public.

**1141.04 BUILDING SETBACK REQUIREMENTS.**

(b) Table 1141.04: Minimum Building Setbacks.

<b>Table 1141.04 Minimum Building Setbacks</b>	
<u>Notes to Table 1141.04</u>	
<sup>1</sup>	Shall comply with Section 1141.04(c) below
<sup>2</sup>	Except when buildings share a common wall, then there shall be no setback required.
<sup>3</sup>	See Section 1125.02 for permitted obstructions within required setbacks or other related open space.
<sup>4</sup>	A property in a commercial district containing a permitted residential or conditional residential use which abuts either a property in a multi-family residential district or a property in a commercial district containing a similar permitted or conditional residential use shall utilize the side and rear lot lines stated in Table 1135.04(2) <del>B</del> <b>(1)C</b> .

**1141.09 ACCESSORY USE ~~STRUCTURE~~ REGULATIONS.**

Accessory ~~uses~~ **structures** permitted in any ~~C~~**d**istrict shall conform to the regulations in this Section as well as any other applicable provisions in this Planning and Zoning Code:

(b) Fences and Walls. Fences and walls may be erected in any ~~C~~**d**istrict in compliance with the requirements set forth below.

(2) Materials and Construction.

- A. ~~Approved fencing materials include~~ **Fences shall be constructed of** stone, brick, finished wood, iron, or synthetic look-alike products.
- B. No fence shall be electrified or topped with barbed **or razor** wire.
- C. ~~Only ornamental fences shall be permitted in front of a building, unless required for screening pursuant to Chapter 1165, Landscaping and Land Use Buffers, or provided for outdoor dining pursuant to Section 1141.07.~~
- ~~D~~**C**. All fences shall be designed, constructed, and finished so that the supporting members face the property of the owner of the fence.
- ~~E~~**D**. All fences on a single parcel shall have a unified style **and color** 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 **or a required setback abutting a public street right-of-way**, ~~or a~~ unless otherwise required by this Planning and 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 **or a residential zoning district**, 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:~~
      - a1. One shade tree shall be provided for every ~~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~~ **two (2)** inches and a clear trunk height of at least six (6) feet;
      - b2. One 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,
      - e3. The landscaping may be flexible in its arrangement by appropriately aggregating the required plant materials.
- (5) ~~All fences shall be maintained in good condition, be structurally sound and attractively finished at all times.~~ **Fences, walls and similar screening devices shall be maintained in good repair and structurally sound at all times by the owner and/or occupant of the lot on which they are located.**

**1141.11 DESIGN STANDARDS.**

- (b) Applicability of Regulations. In addition to the development standards set forth in this Chapter, the design standards set forth in ~~Table 1141.11~~ **Section 1141.11(e)** shall apply to the exterior appearance and design of all new construction and exterior building renovations in the Commercial Districts listed in Section 1141.01. For all properties designated as Landmarks or in Landmark Districts, the Design and Review Board shall have final approval over the exterior appearance of the building and/or property.  
(Ord. 2012-24. Passed 8-20-12.)
- (d) Exceptions. The Planning Commission is authorized to grant an exception to the Design Standards contained in ~~Table 1141.11~~ **Section 1141.11(e)** if the applicant demonstrates that, due to the unusual shape or topography of the lot or an adjoining lot, or due to the location or design of existing structures, mature trees, or other features, the application of the design standards would be unreasonable.

**Note**

(e) Table 1141.11 Design Standards.

<b>Table 1141.11 Design Standards</b>				
<b>Design Standard</b>	<b>C-2 Neighborhood Business</b>	<b>C-3 Community Commercial</b>	<b>C-4 Central Business</b>	<b>C-5 General Commercial</b>
(1) Pedestrian activity shall be encouraged and safe pedestrian connections shall be provided between buildings, in a multi-building development, and between principal buildings, their parking lots, and public sidewalks.	X	X	X	X
(2) Buildings and principal building entrances shall be oriented toward the public street so as to define the street edge and contribute to a dynamic pedestrian and street environment.	X	X	X	
(3) Buildings, structures and landscaping is to be designed and located on the site and be of a scale to complement buildings in close proximity and enhance the character of the surrounding area by having features that are appropriate and compatible with existing buildings and structures. In making this determination the following shall be considered: A. Building height, width and general proportions; B. Architectural features, including patterns of windows and doors, roof pitch, cornice lines, balconies, porches, shutters, dormers, eaves and other decorative detail; C. General site characteristics which encourage well landscaped and conveniently located parking areas, safe and comfortable pedestrian ways, and convenient pedestrian movement among adjacent and nearby buildings and parking areas. D. Building materials.	X	X	X	
(4) On each zoning lot, the minimum percent, set forth in this sub-section, of the frontage abutting the public street shall be devoted to the principal building. See Figure 1 below.	65%	50%	80%	NA
	X	X	X	X
(6) The front façade of every building shall have transparent windows and transparent doors equal to a minimum of (30) thirty percent of the total area of the front façade, with each floor being calculated independently.			X	

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Design Standard	C-2 Neighborhood Business	C-3 Community Commercial	C-4 Central Business	C-5 General Commercial
(7) Any part of the building, which is not the front façade, that is visible from a private right-of-way, parking area, or public circulation area shall have no more than twenty five percent (25%) of the wall length, not to exceed fifty (50) feet, of contiguous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays, or an undulation of the building so that a pedestrian scale, rhythm, and visual interest is created.	X	X	X	X
(8) Materials within three (3) feet of the finished grade or sidewalk shall be of a durable material to withstand pedestrian and vehicular traffic. No stucco (commonly known as “dry vit” or E.F.I.S.) or similar materials shall be permitted within three (3) feet of the finished grade.	X	X	X	X
(9) All roof top equipment shall be concealed in building materials that match the structure or shall be painted to be visually compatible with the structure.	X	X	X	X

- (1) ***Pedestrian activity shall be encouraged and safe pedestrian connections shall be provided between buildings, in a multi-building development, and between principal buildings, their parking lots, and public sidewalks.***
- (2) ***Buildings and principal building entrances shall be oriented toward the public street so as to define the street edge and contribute to a dynamic pedestrian and street environment.***
- (3) ***Buildings, structures and landscaping are to be designed and located on the site and be of a scale to complement buildings in close proximity and enhance the character of the surrounding area by having features that are appropriate and compatible with existing buildings and structures. In making this determination the following shall be considered:***
  - A. ***Building height, width and general proportions;***
  - B. ***Architectural features, including patterns of windows and doors, roof pitch, cornice lines, balconies, porches, shutters, dormers, eaves and other decorative detail;***
  - C. ***General site characteristics which encourage well-landscaped and conveniently located parking areas, safe and comfortable pedestrian ways, and convenient pedestrian movement among adjacent and nearby buildings and parking areas.***
  - D. ***Building materials.***
- (4) ***On each zoning lot, a minimum percent of the frontage abutting the public street shall be devoted to the principal building as follows. See Figure 1 in Section 1141.11(g) for reference.***
  - A. ***Sixty-five (65) percent in the C-2 District.***

Note



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- B. *Fifty (50) percent in the C-3 District.*
- C. *Seventy-five (75) percent in the C-4 District.*
- D. *There shall be no minimum frontage devoted to the principle building in the C-5 District.*
- (5) *Blank walls, those devoid of openings such as transparent windows and transparent doors, shall not be permitted on the front facade of any building.*
- (6) *The front façade of every building shall have transparent windows and transparent doors equal to a minimum of (30) thirty percent of the total area of the front façade, with each floor being calculated independently.*
- (7) *Any part of the building, which is not the front façade, that is visible from a private right-of-way, parking area, or public circulation area shall have no more than twenty-five (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, columns, defined bays, or an undulation of the building so that a pedestrian scale, rhythm, and visual interest is created.*
- (8) *Materials within three (3) feet of the finished grade or sidewalk shall be of a durable material to withstand pedestrian and vehicular traffic. No stucco (commonly known as “dry vit” or E.F.I.S.) or similar materials shall be permitted within three (3) feet of the finished grade.*
- (9) *All roof top equipment shall be concealed in building materials that match the structure or shall be painted to be visually compatible with the structure.*

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

**1142.02 USE REGULATIONS.**

(g) Table 1142.02 Permitted Uses.

	CPRO
(1) Accessory Uses	
A. Signs	A
(2) Community Facilities/ Other	
F. Public safety, <i>health or utility</i> facility	P



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**1142.07 ACCESSORY USE *STRUCTURE* REGULATIONS.**

Accessory uses *structures* permitted in the CPRO District shall conform to the regulations in this Section as well as any other applicable Sections.

(b) Fences and Walls. Fences and walls may be erected in the CPRO District shall conform with the requirements set forth below.

(2) Materials and Construction.

- A. Approved fencing materials include *Fences shall be constructed of* stone, brick, finished wood, iron, or synthetic look-alike products.

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- B. No fence shall be electrified or topped with barbed **or razor** wire.
  - C. Only ornamental fences shall be permitted in front of a building, unless required for screening pursuant to Chapter 1165, Landscaping and Land Use Buffers.
  - D. All fences shall be designed, constructed, and finished so that the supporting members face the property of the owner of the fence.
  - E. All fences on a single parcel shall have a unified style **and color** 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 **or a required setback abutting a public street right-of-way**, ~~or a~~ unless otherwise required by this Planning and 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 **or a residential zoning district**, 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:~~
      - a1. One shade tree shall be provided for every ~~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~~ **two (2)** inches and a clear trunk height of at least six (6) feet;
      - b2. One 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,
      - c3. The landscaping may be flexible in its arrangement by appropriately aggregating the required plant materials.
- (5) ~~All fences shall be maintained in good condition, be structurally sound and attractively finished at all times.~~ **Fences, walls and similar screening devices shall be maintained in good repair and structurally sound at all times by the owner and/or occupant of the lot on which they are located.**

Note

**CHAPTER 1143 (MANUFACTURING ZONING DISTRICTS)**

(d) Table of Permitted Uses.

<b>Table 1143.02 Permitted Uses</b>				
	<b>M-1 Office/Limited Manufact'g</b>	<b>M-2 General Manufact'g</b>	<b>M-3 Urban Manufact'g</b>	<b>M-4 Open Space/ Heavy Manufat'g</b>
<b><del>A.</del>(1) Offices/Retail/Services</b>				
1A. Administrative/professional offices, but not including medical and dental offices	P	--	P	--
2B. Car wash	C	--	--	--
3C. Drive-thru facility in association with a permitted use	C	--	--	--
4D. Financial institution/Banks	C	--	C	--
5E. Gasoline station/pumps	C	C	--	--
6F. Kennel with outdoor run	C	C	--	P
7G. Restaurant, indoor or other type of eating and drinking establishment	C	--	C	--
8H. School, commercial, business, or trade	P	--	P	--
9I. Service establishment, business	P	--	--	--
10J. Service establishment, personal <sup>1</sup>	C	--	--	--
11K. Veterinary office, animal hospital	P	P	P	--
<b><del>B.</del>(2) Industrial/Warehousing Uses</b>				
1A. Light industrial processing, assembly	P	P	P	P
2B. Manufacturing and production with outdoor activities (open space)	--	--	--	P
3C. Manufacturing and production within enclosed building	P	P	P	P
4D. Manufacturing using raw materials, including saw mill, asphalt plant, etc.	--	--	--	P
5E. Metal, steel alloy fabrication	--	P	--	P
6F. Outdoor storage of materials & general merchandise	--	P	--	P
7G. Scientific research, development, training and testing facility	P	P	P	P
8H. Transport and truck terminal	--	P	--	P

<b>Table 1143.02 Permitted Uses</b>				
	<b>M-1 Office/Limited Manufact'g</b>	<b>M-2 General Manufact'g</b>	<b>M-3 Urban Manufact'g</b>	<b>M-4 Open Space/ Heavy Manufat'g</b>
9I. Self-storage facility, indoor	--	C	--	C
10J. Warehousing	P	P	P	P
11K. Wholesale sales & distribution, indoor	P	P	P	P
12L. Wholesale sales & distribution, outdoor	--	P	--	P
<b><del>C.</del>(3) General Commercial Uses:</b>				
1A. Agriculture/farm supplies and services	--	P	--	P
2B. Business equipment sales and service	P	P	P	P
3C. Business maintenance services	P	P	P	P
4D. Cemetery monuments works	P	P	--	P
5E. Cleaning establishments - laundry, carpet, other cleaning service	--	P	P	P
6F. Commercial greenhouse	P	P	--	P
7G. Construction trade, contractor's facility	P	P	P	P
8H. Grain elevator, feed mill	--	--	--	P
9I. Printing and publishing	P	P	P	P
10J. Retail establishment	P <sup>2</sup>	--	--	--
11K. Sale of building materials	P	P	P	P
<b><del>D.</del>(4) Vehicle/Equipment Sales, Service, Storage</b>				
1A. Outdoor storage of fleet vehicles/equipment used in operation of principal use	--	C	--	P
2B. RV, farm implement, construction equipment, or other large equipment sales, service and commercial storage	--	P	--	P
3C. Vehicle repair garage	P	P	P	P
4D. Motor vehicle body shop	P	P	P	P
<b><del>E.</del>(5) Other Use Types:</b>				
1A. Agriculture	--	P	--	P
2B. Crematorium	--	P	--	P
3C. Mineral excavation, quarry operations	--	C	--	P
4D. Plant nursery/greenhouse	--	P	--	P

Note

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<b>Table 1143.02 Permitted Uses</b>				
	<b>M-1 Office/Limited Manufact'g</b>	<b>M-2 General Manufact'g</b>	<b>M-3 Urban Manufact'g</b>	<b>M-4 Open Space/ Heavy Manufat'g</b>
5E. Public safety facility	P	P	P	P
6F. Utility substation/distribution facility, indoor & outdoor	P	P	P	P
7G. Public service/maintenance <i>safety, health or utility</i> facility	<i>-P</i>	P	<i>-P</i>	P
8H. Campgrounds	--	C	--	P
9I. Recycling collection/processing facility	--	C	--	P
10J. Radio and TV Stations	--	P	--	P
11K. Wireless telecommunication facility	See Chapter 1173			
<del>P</del> (6) Accessory Uses <sup>2</sup>				
1A. Day care facility, child and/or adult	A	A	A	A
2B. Outdoor sales and display	--	A	--	A
3C. Off-street parking and loading facilities	A	A	A	A
4. Signs	A	A	A	A
5D. Accessory medical clinics, lunchrooms, cafeterias, and recreational facilities in association with a permitted use	A	A	A	A
<i>E. Outdoor Activities, See Section 1143.07</i>	<i>A</i>	<i>A</i>	<i>A</i>	<i>A</i>
P = Permitted by right      C = Conditional      A = Accessory      -- = Use not permitted in District				
<sup>1</sup> This use shall be permitted by-right when part of a multi-establishment building, and it is not the principal use of a building. If the use is proposed to be the principal use in any building (i.e. occupying the majority of gross floor area), then the use is a conditional use. <sup>2</sup> This use shall be permitted by-right only when part of a multi-establishment building and when it is not the principal use of a building (i.e. occupying the majority of gross floor area). Otherwise, it is a prohibited use.				

**1143.08 ACCESSORY USE-*STRUCTURE* REGULATIONS.**

Accessory uses *structures* permitted in any Manufacturing District shall conform to the regulations of this Section and any other applicable regulation in this Planning and Zoning Code.

(c) Fences and Walls. Fences and walls may be erected in any Industrial *manufacturing* District in compliance with the requirements set forth below:

(2) Materials and Construction.

A. Approved fencing materials include *When visible from the public right-of-way or a residential zoning district, fences shall be constructed of* stone, brick, finished wood, iron, or synthetic look-

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- alike products **or screening materials shall be provided at twice the required amount indicated in Section 1142.07(c)(4) below.**
- B. No fence shall be electrified or topped with barbed **or razor** wire.
- ~~C.~~ Only ornamental fences shall be permitted in front of a building, unless required for screening pursuant to Chapter 1165, Landscaping and Land Use Buffers, or provided for outdoor dining pursuant to Section 1141.07.
- ~~D.~~ C. All fences shall be designed, constructed, and finished so that the supporting members face the property of the owner of the fence.
- ~~E.~~ D. All fences on a single parcel shall have a unified style **and color** 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 in height when located in front of a building, or a unless otherwise required by this Planning and Zoning Code. **No fence shall exceed four (4) feet in height when located in the front setback or a required setback abutting a public street right-of-way or exceed eight (8) feet in height in any other yard area, unless otherwise required by this Planning and 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 **or a residential zoning district**, 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:~~
      - a1. One shade tree shall be provided for every ~~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~~ **two (2)** inches and a clear trunk height of at least six (6) feet.
      - b. ~~One shrub, that is twenty four (24) inches in height at planting, shall be provided for every five (5) feet fence length or fraction thereof, not including gates or other fence openings; and,~~
      - e2. The landscaping may be flexible in its arrangement by appropriately aggregating the required plant materials.
- (5) ~~All fences shall be maintained in good condition, be structurally sound and attractively finished at all times.~~ **Fences, walls and similar screening devices shall be maintained in good repair and structurally sound at all times by the owner and/or occupant of the lot on which they are located.**

**Note**

**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 <sup>(1)</sup>		Minimum Building Setbacks <sup>(1)</sup>		Minimum Parking Setbacks <sup>(1)</sup>		Also See Section:
		Area <sup>(2)</sup>	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 ( <del>w</del> <b>v</b> )
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 parks and playgrounds	R-1, R-2	None	None	(4)	30ft	NP	10 ft	1147.09(v)
10. Public safety facility	R-1, R-2, R-T	2 acres	200 ft	(4)	30ft	NP	10 ft	1147.09(u)
11. School facility (public/private) elementary/secondary	R-1, R-2, R-T	2 acres	200 ft	(3)	30ft	NP	10 ft	1147.09 ( <del>ee</del> <b>bb</b> )
12. Single-family attached dwellings	R-T	10,000 sq. ft.	70 ft.	See Table 1147.09				1147.09 ( <del>kk</del> <b>kk</b> )
13. Two-family dwelling	R-2	8,700 sq. ft.	70 ft.	(3)	(3)	NP	5 ft.	1147.09 ( <del>hh</del> <b>hh</b> )
14. Two-family dwelling conversion from SF dwelling	R-2	(3)	(3)	(3)	(3)	(3)	(4)(5)	1147.09 ( <del>hh</del> <b>gg</b> )
15. Utility substation/distribution facility, indoor	R-1, R-2, R-T	None	None	(3)	30ft	NP	10 ft	1147.09 ( <del>jj</del> <b>ii</b> )
16. Wireless telecommunication facility	See Chapter 1173							

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**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 <sup>(1)</sup>		Minimum Building Setbacks <sup>(1)</sup>		Minimum Parking Setbacks <sup>(1)</sup>		Also See Section:
		Area	Width	Front	Side/Rear	Front	Side/Rear	
<del>3.</del> Community recreation facility	R-3	5 acres	400 ft	(2)	40 ft	(2)	10 ft	1147.09(i)
4 <b>3.</b> Congregate care facility/nursing home	R-3, R-4	5 acres	400 ft	(2)	40 ft	(2)	10 ft	1147.09(j)
<del>5</del> <b>4.</b> Day care facility, child and/or adult	R-3, R-4, R-5	2 acres	200 ft	(2)	20 ft	(2)	10 ft	1147.09(k)
<del>6</del> <b>5.</b> Library, cultural institution	R-3, R-4	2 acres	200 ft	(2)	20 ft	(2)	10 ft	1147.09(g)
<del>7</del> <b>6.</b> Place of worship/church	R-3, R-4	2 acres	200 ft	(2)	20 ft	(2)	10 ft	1147.09(g)
<del>8.</del> Public safety facility	<del>R-3, R-4</del>	<del>2 acres</del>	<del>200 ft</del>	(2)	<del>20 ft</del>	(2)	<del>10 ft</del>	<del>1147.09(u)</del>
9 <b>7.</b> Residential facility for 9-16 persons	R-3, R-4	20,000 sq ft	100 ft.	(2)	20 ft	(2)	10 ft	1147.09(z y)
<del>10</del> <b>8.</b> School, (public or private) elementary/secondary	R-3, R-4	2 acres	200 ft	(2)	20 ft	(2)	10 ft	1147.09 (ee <b>bb</b> )
<del>11</del> <b>9.</b> Utility substation/distribution facility, indoor	R-3, R-4	None	None	(2)	40 ft	(2)	15 ft	1147.09 (jj <b>ii</b> )
<del>12</del> <b>10.</b> Wireless telecommunication facility	See Chapter 1173							

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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.

Note

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

Conditional Use	Conditional Use in District	Minimum Lot Regulations <sup>(1)</sup>		Also See Section:
		Area	Width	
6. Commercial recreation, outdoor	C-5, CPRO	2 acres	200 ft	1147.09( <del>v</del> <b>u</b> )
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, <b>C-5</b>	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( <del>v</del> <b>u</b> )
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( <del>kk</del> <b>jj</b> )
19. School, (public or private) college/ university	C-3, C-4, C-5	10 acres	300 ft	1147.09( <del>aa</del> <b>z</b> )
20. School, specialty, personal instruction	C-3, C-4	(2)	(2)	1147.09( <del>dd</del> <b>cc</b> )
21. School, (public or private) elementary/secondary	C-1	2 acres	200 ft	1147.09( <del>ee</del> <b>bb</b> )
22. Scientific research, development, training & testing facility	CPRO	(2)	(2)	1147.09( <del>ee</del> <b>dd</b> )
23. Self-storage facility, indoor	C-5	2 acres	200 ft	1147.09( <del>ff</del> <b>ee</b> )
24. Service establishment, business	C-1	(2)	(2)	1147.09( <del>gg</del> <b>ff</b> )
25. Service establishment, personal	C-1	(2)	(2)	1147.09( <del>gg</del> <b>ff</b> )
26. Single-family attached dwellings	C-4	10,000 sq. ft.	70 ft.	1147.09( <del>hh</del> <b>kk</b> )
27. Theater, Movie Indoor	C-4	(2)	(2)	1147.09(h)
28. Utility substation/distribution facility, indoor	C-1, C-2, C-3, C-4, C-5, CPRO	none	none	1147.09( <del>jj</del> <b>ii</b> )

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**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**

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Conditional Use	Conditional Use in District	Minimum Lot Regulations <sup>(1)</sup>		Also See Section:
		Area	Width	Area
7. Outdoor recreation, including campgrounds	M-2	10 acres	300 ft	1147.09(v <i>u</i> )
8. Outdoor storage of fleet vehicles/equipment used in operation of principal use	M-2	(2)	(2)	1147.09(s)
9. Recycling collection/processing facility	M-2	2 acres	200 ft	1147.09(x <i>w</i> )
10. Restaurant or other type of eating and drinking establishment	M-1, M-3	(2)	(2)	1147.09(y <i>x</i> )
11. Service establishment, personal	M-1	(2)	(2)	1147.09(zz <i>ff</i> )
12. Self-storage facility, indoor	M-2, M-4	2 acres	200 ft	1147.09(aa <i>ee</i> )
13. Wireless telecommunication facility	See Chapter 1173			

**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.

(r) Multi-Family.

- (1) ~~The principal orientation of all the multi-family buildings shall be the public street on which the lot has frontage. There shall be at least one entrance, for each building facing the street, and the principal windows of the multi-family units shall also face this public street.~~
- (3) ~~All accessory structures shall be located behind the rear building line of the multi-family dwellings.~~
- (4) Applicants must clearly demonstrate that the use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, and appearance.
- (2) Vehicular entrances to the multi-family development shall be minimized and designed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any adjacent residential neighborhood.
- (5) ~~In the C-3, Community Commercial District, the maximum residential density shall not exceed eight (8) dwelling units per acre. The total number of dwelling units permitted shall be calculated by multiplying the total project area, exclusive of public rights-of-way existing at the time the development plan is submitted, by the number of dwelling units permitted per acre.~~
- (3) **Multi-family uses in the C-3 District shall meet all requirements of the R-3 District and all other sections of this Planning and Zoning Code applicable to multi-family uses.**

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**(4) Multi-family uses in the C-5 District shall meet all requirements of the R-4 District and all other sections of this Planning and Zoning Code applicable to multi-family uses.**

**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.

~~(u)~~ Public Safety/Maintenance 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.

~~(v)~~ **u** 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)*

~~(w)~~ **v** 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)*

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~~(x)~~ **w** Recycling Collection/Processing Facility.

*(No changes to the text of this section)*

~~(y)~~ **x** Restaurant.

*(No changes to the text of this section)*

~~(z)~~ **y** Residential Facility for 9-16 Persons.

*(No changes to the text of this section)*

~~(aa)~~ **z** School, (Public/Private) College/University.

*(No changes to the text of this section)*

~~(bb)~~ **aa** School, Commercial, Business or Trade.

*(No changes to the text of this section)*

~~(ee)~~ **bb** School, (Public/Private) Elementary/Secondary.

*(No changes to the text of this section)*

~~(dd)~~ **cc** School, Specialty, Personal Instruction.

*(No changes to the text of this section)*

- (ee **dd**) Scientific Research, Development, Training, and Testing Facility.  
(No changes to the text of this section)
- (ff **ee**) Self-Storage Facility.  
(No changes to the text of this section)
- (gg **ff**) Service Establishment, Business/Personal. When such an establishment is the  
(No changes to the text of this section)
- (hh **gg**) Two-family Dwelling Conversion from SF Dwelling. An existing single-family  
(No changes to the text of this section)
- (ii **hh**) Two-Family Dwelling – New Construction in the R-2 District and C-5 District.  
(No changes to the text of this section)
- (jj **ii**) Utility Substation/Distribution Facility: Indoor and Outdoor.  
(No changes to the text of this section)
- (kk **jj**) Public Transportation Terminal.  
(No changes to the text of this section)
- (ll **kk**) Single-Family Attached Dwellings.  
(No changes to the text of this section)

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**CHAPTER 1165  
(LANDSCAPING – STREET TREE PLANTING REQUIREMENTS)**

**1165.03 DEFINITIONS.**

Terms related to required landscaping and screening shall have the following meanings:

- (f) ***Woodlands.*** *An area of no less than one (1) contiguous acre which contains dense vegetation primarily composed of large and small trees as defined herein.*

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**1165.04 STREET TREE PLANTING REQUIREMENTS.**

In all zoning districts, developers shall plant and maintain shade trees along public streets in compliance with the following:

- (b) ***Quantity, Size and Location Requirements.***
  - (1) One (1) tree shall be provided for every forty (40) linear feet of frontage, or fraction thereof, along each road.
  - (2) Trees are to be planted within three (3) feet of the rights-of-way of the road or roads within and abutting the development or at the discretion of the City, within the right-of-way of such roads. In the C-4 Central Business District, street trees shall be planted in sidewalk pits ***with a minimum pit size of five (5) feet by five (5) feet.*** See sub-section 1165.11(i) for requirements related to planting required street trees in sidewalk pits. ***Due to varying conditions near public roads and rights-of-way, street trees may be located elsewhere***

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*on the property at the discretion of the Zoning Administrator or the Planning Commission, as applicable.*

- (3) Each tree at the time of installation shall have a minimum caliper of **two and one-half (2.5)** inches and a clear trunk height of at least six (6) feet.
- (~~ec~~) Installation. In the case of residential subdivisions, street trees shall be planted after seventy-five (**75**) percent (~~75%~~) of the residential dwelling units have been occupied. For all other developments that require Development Plan Review pursuant to Section 1107.05, street trees shall be planted prior to receiving a certificate of zoning compliance.
- (~~ed~~) Maintenance. The developer shall be required to maintain the trees for two (2) years after the trees are planted and to replace any tree that dies within such two (**2**) year guarantee period.
- (7) ~~In order to secure the guarantee,~~ **Developments requiring ten (10) or more street trees shall require** the developer ~~shall~~ **to** deposit a **guarantee** amount equal to **fifty (50)% percent** of the total cost of providing and installing the street trees as determined by the Zoning Administrator. The deposit shall be in the form of a bond, with the developer as principal and with a surety company authorized to do business in the State of Ohio; ~~a certified check; or an irrevocable letter of credit.~~ The deposit shall be in a form acceptable to the Law Director.

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**1165.05 LANDSCAPING ALONG THE STREET FRONTAGE.**

All areas within the ~~required front setback, corner building setback and/or parking setback~~ **front yard or corner side yard**, excluding driveway openings, shall be landscaped as required below. The following minimum plant materials shall be provided and maintained on all lots or developments except lots devoted to single-family detached and two-family dwellings.

- (a) ~~Three (3)~~ **Two (2)** large deciduous trees **and fifteen (15) shrubs** shall be provided for every **one hundred (100)** linear feet of lot frontage or fraction thereof, not including drive entrances. **Trees or shrubs required in Section 1165.06, which are located in the front yard or corner side yard, may be included in this calculation.**
- (b) ~~Twenty shrubs shall be provided for every 100 linear feet of lot frontage or fraction thereof, not including drive entrances.~~
- (~~eb~~) All areas not devoted to trees and shrubs shall be planted with grass, ground cover or other live landscape treatment.
- (~~ec~~) Trees and shrubs may be aggregated appropriately.
- (~~ed~~) Whenever the building setback is five (5) feet or less, these requirements shall not apply.

**1165.06 SCREENING AND LANDSCAPING OF PARKING LOTS.**

- (b) Perimeter Landscaping Requirements. ~~In addition to the requirements of subsections 1165.06(a) and 1165.06(c) hereof,~~ **Perimeter landscaping shall be required along any side of a parking lot that abuts adjoining property that is not a right-of-way. A landscaped strip meeting the required minimum parking setback (in depth) of the zoning district in which the property is located, shall be located between the parking area and the abutting property lines. One (1) large deciduous or two (2) small deciduous trees for each forty (40) lineal feet shall be planted in the landscaping strip. However, this does not mean that shade trees must be located forty (40) feet on center or be spaced forty (40) feet apart. This strip shall be landscaped open space**

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free of any wall, fence, embankment and/or walkway. Such wall, fence, etc. may exist or be constructed on the edge of such landscape strip. The requirements of this section shall not apply where planting is required for screening pursuant to Section 1165.07.

- (c) Street Frontage Planting Requirements. In addition to the requirements of subsections 1165.06(a) and 1165.06(b) hereof, ~~w~~**When a parking lot is located adjacent to a public right-of-way, screening shall be provided to reduce the visual impact of the parking lot utilizing one of the following methods. *A landscaped buffer shall be installed between parking lots and public rights-of-way per the following requirements:***

- (1) *A landscaped buffer shall be located directly adjacent to the parking lot and be no less than ten (10) feet in width. The buffer shall be composed of a continuous evergreen hedge or dense planting of evergreen shrubs.***
- (2) *Landscaping shall be at a height of no less than three (3) feet at the time of installation. Landscaping may be placed upon a berm to achieve the required height at planting. The minimum buffer height requirement shall not apply when the grading of the site results in an elevation of the adjacent street which is three (3) or more feet higher than the parking lot.***
- (3) *A fence or a wall may be incorporated into the landscape buffer per the fence requirements of the applicable zoning district.***

The requirements of this subsection shall not apply where planting is required for screening pursuant to subsection 1165.07(c)(6).

- ~~(1) — Landscaped setbacks. Provide at least a ten (10) foot wide landscaped area exclusive of that required for sidewalks and utility easements, as specified in the Planning and Zoning Code, between the road right-of-way and the parking lot. When a parking lot is located adjacent to an alley, a minimum of a four (4) foot wide landscaped area, exclusive of any type of curbs, shall be provided between the alley right-of-way and the parking lot. This landscaped strip shall contain the plantings mandated by Section 1165.04, Street Tree Planting Requirements, if the plantings mandated by Section 1165.04 are not provided in the right-of-way. At least a three (3) foot high evergreen hedge, masonry wall or ornamental fence, with landscaping provided in front of such wall, fence, etc. (which meets the requirements in sub-section 1165.06 (b), Perimeter Landscaping Requirements), shall also be constructed on the edge of such landscape strip closest to the parking lot.~~
- ~~(2) — Grade changes. In cases where substantial grading is necessary that results in a parking lot lower in elevation than the surrounding or adjacent right-of-way, the resulting embankment should be planted with low shrubs and shade or ornamental trees. A minimum of 10 feet of landscaping should be provided between the right-of-way and the parking lot.~~
- ~~(3) — Landscape berms. Create at least a two (2) foot high berm with slopes not to exceed twenty five (25) percent for lawn areas. Berms planted with ground cover and shrubs can be steeper; however, no slope should exceed forty (40) percent.~~
- ~~(4) — Woodland preservation. In cases where quality woodland exists, preserve existing trees between the parking lot and the right-of-way. Provide additional evergreen shrubs if needed to achieve an effective visual buffer. The vegetation should be saved.~~

Note

**1165.08 SCREENING OF ACCESSORY USES.**

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

- (a) Trash Collection Areas. Trash and/or garbage collection areas shall be enclosed on all sides by a solid wall or fence and a solid gate at least **one (1)** foot higher than the highest refuse container in the collection area if such area is not within an enclosed building or structure. Such solid wall or solid fence shall be situated so as to screen the view of the collection area from adjacent roads and properties **the public right-of-way and abutting properties**. Such wall or fence shall be constructed of wood, brick, decorative concrete, block, stone or shrubs **and shall be a minimum of six (6) feet in height**.
- (b) Ground-mounted Mechanical Equipment. Ground mounted mechanical equipment shall be screened **from the public right-of-way and abutting properties** with evergreen shrubbery so that within two (2) years the equipment is completely obscured from view.
- (c) Outdoor Storage and Loading Areas. Permitted loading areas, outdoor storage of goods, supplies, equipment or vehicles used in the operation of an establishment, where permitted, shall be enclosed with a solid fence or wall, including solid gates. The wall or fence shall have a height tall enough to conceal all operations and materials therein from the view of any observer standing at the grade level of an abutting lot or a public street. **shall be screened from the public right-of-way and abutting properties 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.**
- ~~(d) Height of Screening. Screening shall be a minimum of six (6) feet in height placed adjacent to the waste receptacles, storage or loading areas so as to effect screening from any adjacent streets and any adjoining properties.~~
- (d) **Outdoor Storage Areas. Permitted areas for the outdoor storage of goods, supplies, equipment or vehicles used in the operation of an establishment, where permitted, shall be screened per the requirements of the applicable zoning district.**

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**1165.14 WOODLAND PRESERVATION.**

**Residential and commercial developments on properties with Woodlands shall be configured to provide as little impact as practically possible to the Woodland area. Woodlands shall be shown on preliminary plans per Section 1115.05 and final development plans per Section 1115.11.**

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**1165.145 FLEXIBILITY.**

The standards and criteria in this Chapter establish the City's objectives and levels of landscaping intensity expected. However, in applying these standards during the site design plan review, the Zoning Administrator and the Planning Commission may exercise discretion and

flexibility with respect to the placement and arrangement of the required elements to assure that the objectives of the district and the proposed development or redevelopment are best satisfied.

**CHAPTER 1169 (OFF-STREET PARKING AND LOADING REGULATIONS)**

**1169.04 OFF-STREET PARKING STANDARDS.**

The number of off-street parking spaces for each facility or use shall be determined by application of the standards set forth in Table 1169.04.

**Table 1169.04  
Required Off-Street Parking Spaces**

<u>Principal Building or Use</u>	<u>Minimum Parking Requirement</u> <sup>(a)</sup>
( <del>e</del> ) <u>Office, Professional Services</u>	
( <del>f</del> ) <u>Retail/ Personal Services</u>	
( <del>g</del> ) <u>Entertainment - Recreation</u>	
( <del>h</del> ) <u>Automotive Uses</u>	
( <del>i</del> ) <u>General Commercial and Industrial Uses</u>	



**Request for Agenda Item  
Non-Capital**

**Division**

**Meeting Date Requested**

**Project Name**

**Approved for Agenda**

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

This is a request to enter into a contract with the Wooster YMCA to manage the City of Wooster's Aquatic Facilities for the summer 2014 season. The scope of the partnership would include day to day operations, staffing, light maintenance (cleaning), pool set-up and end of season winterization of all facilities. The goal of the partnership is to reduce expenses at all City and YMCA Aquatic Facilities while still providing the same level of Recreational and Competitive swimming opportunities.

This partnership would allow for one organization to manage all City pool facilities (YMCA pool, Natatorium pool and City pools) and coordinate operating hours.

In addition to managing the pool staff, this partnership would save approximately 200 hours of City HR staff time processing seasonal staff paperwork and coordinating drug screenings. This equals approximately \$5000 in HR cost savings. Not included in these savings is the Workers Comp liability and the unemployment exposure that the City would no longer be responsible for.

Finally, this would save several hundred hours of Recreation staff time normally spent managing the pool staff. This time will be redirected towards providing recreation programs that have been either cut back or eliminated in recent years due to budget cuts.

The total contract for basic services would be \$125,296. Estimated additional services for special events coverage is \$3,000. The City's currently projected cost for these services is over \$172,000 for 2013.

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

**Manager Requesting**

**Date**

**Approved for Agenda**

*Res #92*



**FOR YOUTH DEVELOPMENT®  
FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY**

#### Summary of Qualifications:

All our staff members are required to be CPR and First Aid certified. Our Lifeguards are required to be Lifeguard, CPR/First Aid, AED certified. A O2 and Blood Bourne Pathogens training is also taught once a year. We require staff to attend In-service training twice a year.

#### Staffing Levels:

Manager  
Front Desk/Cashier  
Lifeguards  
(LRA) Locker room Attendants

#### Aquatics Director:

Jennifer Kiper- 1 year with YMCA

- 2 years with North Myrtle Beach as Ocean Rescue/Beach Patrol
- 5 Summers with City of Wooster as Aquatic Director
- 7 years with the City of Orrville as lifeguard and Manager
- CPO (Certified Pool Operator- 2000-2005 & 2013-2018)
- LGI (Lifeguard Instructor- 2001- Present)
- Lifeguard, CPR, First Aid, AED, Blood Bourne Pathogens, O2 Certified-
- WSI and WSA (Water Safety Instructor and Aid)
- Pool Management training

#### CEO/Executive Director

Gwen Sommer - has been with the YMCA for over 22 years and with the YMCA of Wooster for 5 years. Gwen was an Aquatic Director for the first 9 years at the Y.

The YMCA of Wooster has operated a pool since 1958. The YMCA of Wooster had a small 25yard 6 lane pool at they YMCA until they began managing the pool at the Wooster High School 10 years ago.

The YMCA currently maintains a staff of 27 Guards/ Swim Instructors at the High School Natatorium. We anticipate employing and additional 20 guards if we manage the City pools.

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**YMCA of Wooster**

680 Woodland Avenue, Wooster, Ohio 44691 • 330-264-3131 • [www.woosterymca.org](http://www.woosterymca.org)



ORDINANCE NO. 2013-47

AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL ESTATE, AND DECLARING AN EMERGENCY

WHEREAS, this City Council, acting upon the recommendation of the City Engineer, has determined that it is in the best interests of the municipal government to purchase parcels of vacant real estate located between E. North Street and E. Liberty Street for the purposes of creating public parking space; and

WHEREAS, the cost thereof is fully reimbursable through the application of community development block grant monies; and

WHEREAS, prompt action is necessary in order to complete the purchases prior to the end of the grant year.

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

SECTION 1. That the Mayor is hereby authorized to purchase, in the name of the City of Wooster, the following parcels of real estate, and that he is authorized to execute any necessary documents in connection therewith:

- PPN 64-01219.000, approx. 0.0735 ac. owned by Mara Vee, LLC;
- PPN 64-00925.000, approx. 0.0725 ac. owned by Paul and Mary Troyer; and
- PPN 64-02260.000, approx. 0.0725 ac., and 64-01847.000, approx. 0.0854 ac. owned by Community Crossroads, Inc.

SECTION 2. The amount of such purchase will not exceed \$51,000.00, plus costs related or incidental to closing; and such amount is hereby appropriated from the Water Fund.

SECTION 3. 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 4. 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 prompt action is necessary to authorize the purchase in order to provide a future site for public parking facilities serving businesses located toward the eastern end of E. Liberty Street; wherefore, this Ordinance 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: \_\_\_\_\_, 2013 Vote: \_\_\_\_\_

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

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

Introduced by: David Silvestri

**Request for Agenda Item  
Non-Capital**

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

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

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

Requested is Council's approval to purchase four parcels of vacant land between E. North Street and E. Liberty Street totaling 0.3039 acres for a sum of \$50,985.84, which may be developed in the future for public parking. The entire purchase will be fully reimbursed through the 2012 Formula Community Development Block Grant. Over the course of the last several months, staff has been in discussion with multiple property owners regarding the project. As of 9 December 2013, three property owners have signed agreements to sell land City, contingent upon Council's approval. Acquisition would need to be completed before December 31<sup>st</sup> to meet grant deadlines.

There is limited parking east of Bever, which creates a barrier for reinvestment in the area. The proposed acquisition would work to remove this barrier and encourage development.

Please see the attached map of the properties to be acquired and summary details for each agreement.

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

A suspension of the rules is requested in order to fully-fund the proposed acquisition with Community Development Block Grant dollars before the expiration of the grant period on December 31, 2013.

**Manager Requesting**

**Date**

**Approved for Agenda**

rd #47

## EAST LIBERTY PARKING LOT - ACQUISITION PROJECT SUMMARY

As of 9 December 2013

### Agreement Summary

#### Agreement 1:

Parcel 64-01219.000 (0.0735 acres) owned by Mara Vee LLC (Ms. Cynthia Veemara), for the amount of \$10,560.00. Ms. Veemara will retain a lease for seven parking spaces until the property is included within the downtown parking exemption area.

#### Agreement 2:

Parcel 64-00925.000 (0.0725 acres) owned by Mr. Paul Troyer and Ms. Mary Troyer for the amount of \$10,425.00. Mr. and Mrs. Troyer will also retain a lease for seven parking spaces until the property is included within the downtown parking exemption area.

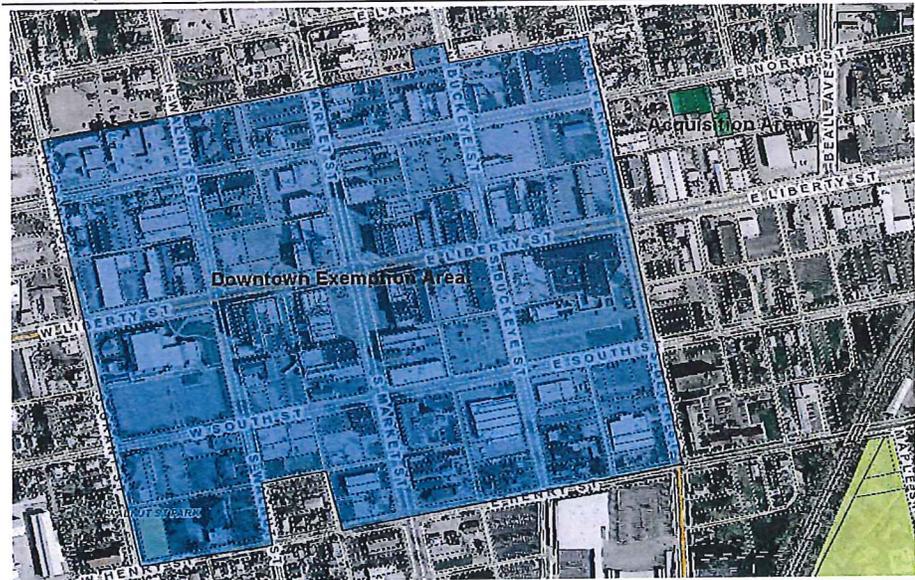
#### Agreement 3:

And Parcel 64-02260.000 (0.0725 acres) and Parcel 64-01847.000 (0.0854 acres) owned by Community Crossroads, for the amount of \$30,000.00 (0.1579 acres).

### Site Layout



### Site Vicinity And Parking Exemption Area



ORDINANCE NO. 2013-48

AN ORDINANCE AMENDING THE TRAFFIC CONTROL FILE TO ENACT THE RECOMMENDATIONS OF THE TRAFFIC COMMISSION, AND DECLARING AN EMERGENCY

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

SECTION 1. That the Traffic Control Map and the Traffic Control File of this City be and hereby are amended in accordance with the recommendations of the Traffic Commission, as follows:

1. Oldman Road at Oakhill Road: The signage on Oldman Road at Oakhill Road is to be changed to indicate the left (turning) lane may also be used to go straight into Oakhill Park.
2. E. Henry Street: A “no parking anytime” sign on E. Henry Street is to be moved from its current location to be placed 10 feet west of Peach Alley.
3. Saybolt Avenue: The “No parking anytime except Sundays between 9:00 a.m. and 1:00 p.m.” signs on Saybolt Avenue, between N. Columbus Avenue and Woodland Avenue, are to be amended to also allow parking on Wednesdays from 6:00 p.m. to 10:00 p.m.
4. “Quad” off street parking lots downtown: Pursuant to Ordinance 355.01(c), the Traffic Commission sent a letter to Director of Administration Joel Montgomery recommending the prohibited parking times and signage in the off street Quad lots be changed to 2:00 a.m. to 6:00 a.m. Director Montgomery put these changes into effect as of September 21, 2013. (Recommendation not requiring Council approval)
5. Cleveland Road: A “Do Not Block intersection” sign is to be placed on the first signpost south of Young Drive on Cleveland Road.
6. Downtown Parking District: The prohibited parking times and signage in the Downtown Parking District are to be changed to 2:00 a.m. to 6:00 a.m.
7. Colony Court: A “No Outlet” sign is to be placed at the entrance to Colony Court.
8. W. Highland Avenue: The south side of W. Highland Avenue, between Oakhill Road and Christmas Run Boulevard, is to be posted as “No Parking Any Time.”
9. Merchants Block off-street parking lot: A “One Way” sign designating west only traffic is to be posted at the exit/entrance from the Merchants Block off-street lot to Strawberry Alley.





**Request for Agenda Item  
Non-Capital**

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

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

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

The Fire Division is requesting the Director of Administration to renew the automatic aid agreement with the Wooster Twp. Fire Department for the furnishing of Fire and Ambulance Services between both entities. The contract will be good for 3 year starting January 1, 2014 and expiring on December 31, 2016. This is a long standing agreement between both entities.

I have attached the boundaries of the response responsibility areas.

Exhibit A  
Exhibit B  
Exhibit C

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

**Manager Requesting**

**Date**

**Approved for Agenda**

*Res # 96*

Wooster Township Response Area 2014

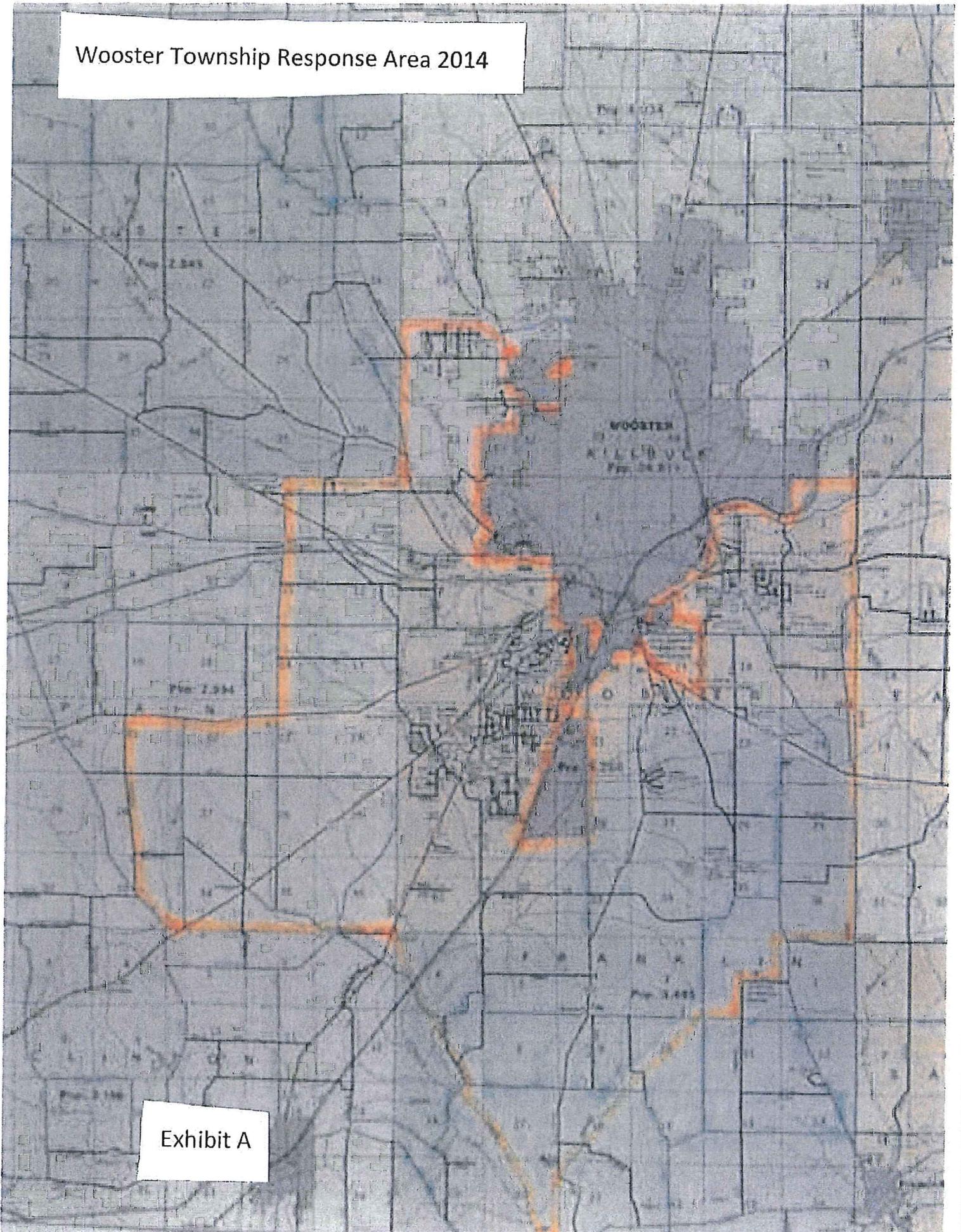


Exhibit A

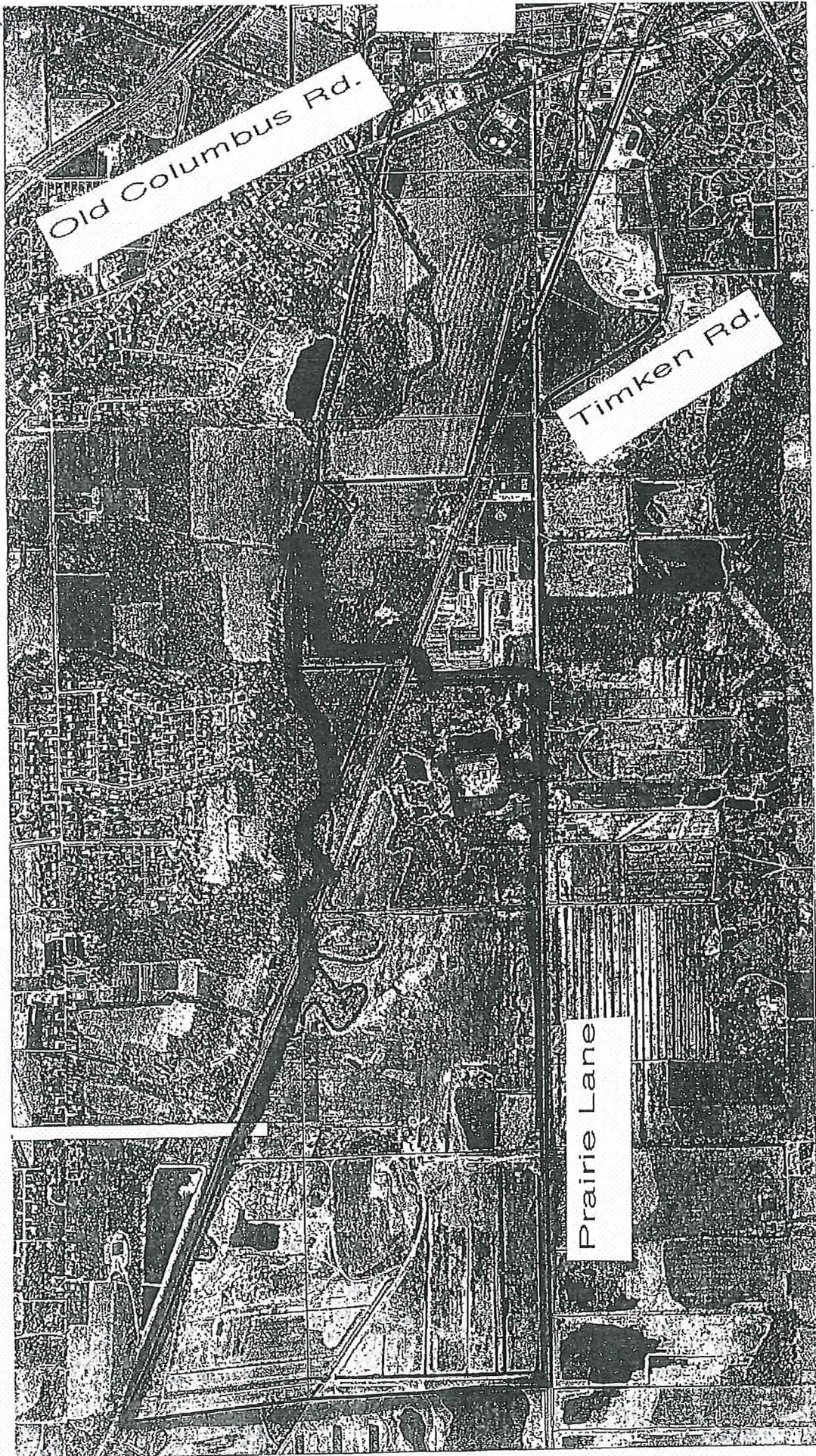


EXHIBIT B

NORTH

SECRET

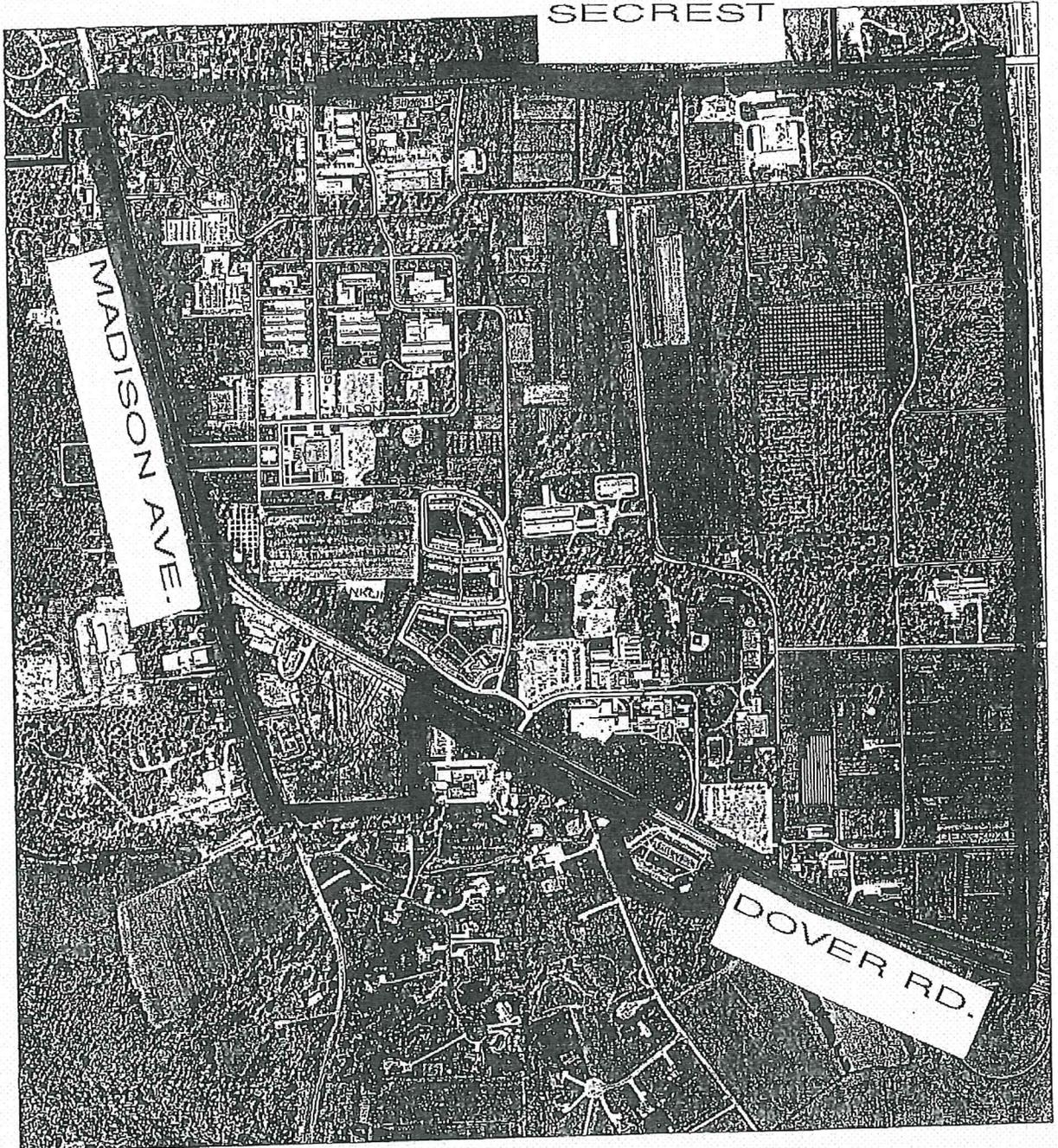


Exhibit C







CITY OF WOOSTER  
538 N. Market Street  
P.O. Box 1128  
Wooster, Ohio 44691-7082

Jonathan S. Millea  
Development Coordinator  
Phone (330) 263-5250  
Fax: (330) 263-5247  
Email: jmillea@woosteroh.com

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**2012 Tax Incentive Review Council Recommendations**

12 December 2013

Dear Wooster City Council,

The Wooster Tax Incentive Review Council's met December 11<sup>th</sup> at 3:00pm at Wooster City Hall to review the compliance of each recipient of a tax exemption under the City's Enterprise Zone and Community Reinvestment area for the year ended. Recommendations were made as followed:

**Enterprise Zone Agreements**

- 389-04-01 - TECHNIGRAPHICS INC. ET. AL. – Recommended 7-0 to **CONTINUE**
- 389-05-01 - United Titanium Inc. – Recommended 7-0 to **CONTINUE**
- 389-06-01 - Eldorado Stone LLC & Chesterland Estates – Recommended 7-0 to **CONTINUE**
- 389-06-03 - Westerman, Inc. – Recommended 7-0 to **CONTINUE**
- 389-06-04 - COMPAK Inc. – Recommended 7-0 to **CONTINUE**
- 389-07-01 - Bosch Rexroth Corporation & Chesterland Estates – Recommended 7-0 to **CONTINUE**
- 389-08-01 - TECHNIGRAPHICS INC. ET. AL. – Recommended 7-0 to **CONTINUE**
- 389-12-01 - Seaman Corporation – Recommended 7-0 to **CONTINUE**
- 389-12-02 - ABS Materials – Recommended 6-0 to **CONTINUE**

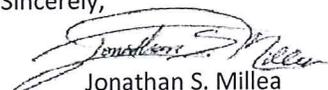
**Community Reinvestment Area Agreements**

- 05-001 - Wooster Republican Printing Company – Recommended 7-0 to **CONTINUE**
- 06-001 - Michael R. Rose – Recommended 7-0 to **CONTINUE**
- 06-002 - Liberty Market Properties LLC – Recommended 7-0 to **CONTINUE**
- 06-003 - HAYNN Construction Inc. – Recommended 7-0 to **CONTINUE**
- 06-004 - Coyote Group LLC – Recommended 7-0 to **CONTINUE**
- 06-005 - Gold Star Holdings, LLC – Recommended 7-0 to **CONTINUE**
- 07-001 - 544 LLC – Recommended 6-0 to **CONTINUE**
- 07-002 - CCM Real Estate LLC – Recommended 7-0 to **CONTINUE**
- 07-003 - Coyote Group LLC – Recommended 7-0 to **CONTINUE**
- 07-004 - Liberty Market Properties – Recommended 7-0 to **CONTINUE**
- 07-005 - S Properties LLC – Recommended 6-0 to **CONTINUE**
- 07-006 - MRR Properties – Recommended 7-0 to **CONTINUE**
- 10-001 - Coyote Group LLC – Recommended 7-0 to **CONTINUE**
- 10-002 - Merchants Block LLC – Recommended 7-0 to **CONTINUE**
- 11-001 - CM Properties-Wooster LLC – Recommended 7-0 to **CONTINUE**
- 12-001 - Brasfond USA Corp. – Recommended 7-0 to **CONTINUE**
- 12-002 - Just Basic Sports, Inc. and Retail Rentals LLC – Recommended 7-0 to **CONTINUE**
- 12-003 - S & D Realty, LLC – Recommended 7-0 to **CONTINUE**
- 12-004 - G&G Properties of Ohio – Recommended 7-0 to **CONTINUE**

The **2013 Tax Incentive Review Council Meeting** was tentatively Scheduled for 3:00pm April 30, 2014

Ohio Revised Code 5709.85 requires that City Council, within sixty-days (60) after receipt of the aforementioned recommendations, hold a meeting to accept, reject, or modify all of any portion of the recommendations. Please feel free to contact us anytime with any questions or if we can provide further detail. (My office phone is 330.263.5250, and you may also call me anytime via cell at 330.439.3339.) Thank you.

Sincerely,



Jonathan S. Millea

cc: 2012 TIRC Committee Members

RESOLUTION NO. 2013-99

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE AKRON ROAD BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, WIDENING, PAVING, RESURFACING, CONSTRUCTING CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES, CONSTRUCTING A TURNING LANE, INSTALLING STORM SEWERS, CATCH BASINS, MANHOLES, WATER MAINS, FIRE HYDRANTS, AND TRAFFIC CONTROL SIGNS AND DEVICES, AND ACQUIRING ANY REAL ESTATE AND INTERESTS THEREIN REQUIRED THEREBY, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

WHEREAS, this Council has previously authorized and requested the City Engineer to have plans, profiles, specifications and an estimate of cost prepared for the improvement described in Section 1.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO, three-fourths of all members elected or appointed thereto concurring, that:

SECTION 1. It is declared necessary to improve Akron Road, from Long Road to Gateway Drive, by grading, draining, widening, paving, resurfacing, constructing curbs, gutters, sidewalks and driveway approaches, constructing a turning lane, installing storm sewers, catch basins, manholes, water mains, fire hydrants, and traffic control signs and devices, and acquiring any real estate and interests therein required thereby, all together with the necessary appurtenances thereto.

SECTION 2. The plans, specifications, profiles and estimate of cost of the improvement, which the City Engineer has caused to be prepared and filed in the office of the Clerk of Council, are approved. The improvement shall be made in accordance with, and the grade of the improvement and of any street shall be the grade as shown on, the plans, specifications and profiles for the improvement.

SECTION 3. This Council finds and determines that (i) the improvement is conducive to the public health, convenience and welfare of this City and the inhabitants thereof, and (ii) the lots and lands to be assessed as described in Section 4 hereof are specially benefited by the improvement.

SECTION 4. The City expects that a portion of the costs of the improvement will be paid from grants and contributions received by the City. With respect to the remaining costs of the improvement, the City shall assume and pay as its portion of those remaining costs of the improvement all of those remaining costs in excess of \$65.15 per foot front of those lots and lands to be assessed for the improvement as described below (which City portion exceeds the costs of intersections plus 2% of the costs of the improvement plus 50% of the cost of appropriating any required real estate and interests therein), and the balance of those remaining costs of the improvement shall be assessed by the foot front of the property bounding and abutting upon the

improvement upon the following described lots and lands: those lots and lands bounding and abutting upon the improvement on Akron Road, from Long Road to Gateway Drive, and provided further, however, that each of those assessments shall not exceed \$65.15 per foot front.

SECTION 5. The cost of the improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of any damages resulting from the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring therefore any required real estate or interests therein required for the improvement, expenses of legal services including obtaining legal opinions, cost of labor and material, and interest on securities issued in anticipation of the levy and collection of the special assessments, or, if securities in anticipation of the levy of the special assessments are not issued, interest at a rate not to exceed 5% per year on moneys advanced by this City for the cost of the improvement in anticipation of the levy of the special assessments, together with all other necessary expenditures.

SECTION 6. The City Engineer is authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the improvement described in this resolution. Those estimated special assessments shall be based upon the estimate of cost of the improvement now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this resolution. When the estimated special assessments have been so filed, the Clerk of Council shall cause notice of the adoption of this resolution and the filing of the estimated assessments to be served in the manner provided by law on the owners of all lots and lands to be assessed.

SECTION 7. The special assessments to be levied shall be paid according to the following payment schedule: in **fifteen** annual installments, with interest on the unpaid principal amount of each special assessment at the same rate or rates of interest as shall be borne by any securities to be issued in anticipation of the collection of the total of the unpaid special assessments, or, if such securities are not issued, at the rate or rates of interest determined by Council when it passes the assessing ordinance levying those assessments; provided, that the owner of any property assessed may pay the special assessment in cash within 30 days after passage of the assessing ordinance.

SECTION 8. The City presently intends to issue securities in anticipation of the levy of the special assessments, and the City presently intends to issue securities in anticipation of the collection of the special assessments in annual installments and in an amount equal to the total of the unpaid special assessments. The remainder of that portion of the cost of the improvement, after application of the special assessments, shall be paid by the issuance of securities in the manner provided by law or from other funds available for that purpose.

SECTION 9. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in



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

<b>Division</b> Engineering	<b>Meeting Date Requested</b> December 16, 2013
<b>Project Name</b> Akron Road Improvements - Phase 2; Resolution of Necessity for Improvements	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$3,775,000 (ODOT is providing \$2,320,000 in grant funding for construction costs).	
<b>Is Full Amount Budgeted</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If No, How Is The Purchase To Be Funded?</b>	
<b>Description Of Purchase</b> This is a request to declare the necessity of improving Akron Road from Long Road to Gateway Drive, and begin the process of determining assessments to affected property owners. This project has an ODOT funding designation of WAY-585-0.57.	
<b>Justification / Benefits</b> The design for this project is complete and has been awarded funds through the Ohio Dept. of Development for construction. This project must be bid and awarded by March 28, 2014 in order to meet our funding schedule deadline. Design drawings, specifications and project cost estimate are on file with the clerk of council.  Council has already passed 4 pieces of legislation previously authorizing design, RW acquisition, ODOT funding applications, and ODOT funding agreements.	
<b>Will This Project Effect the City's Operating Costs</b> This project should have little or no affect on the City's operating costs. The existing road would need to be maintained, ditches cleaned periodically, and utilities replaced if not improved.	
<b>What Alternatives Exist and What Are The Implications of The Alternatives</b> We can do nothing and forfeit the grant money, continue maintenance on the existing road, and not address the safety issues resulting from the narrow lanes and future traffic volume increase from potential development.	
<b>Is This A Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>If Yes, Explain The Circumstances</b>	
<b>Are You Requesting Suspension Of The Rules</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If Yes, Note Reasons</b> The ODOT funding funding schedule must be followed. In order to begin construction, assessments must be calculated, notices sent, equalization board hearing set and recommendations made, and an ordinance to proceed approved. The public notice and filing requirements, along with the Council meeting schedule, require this legislation to be passed on December 16th in order to allow for approval of final assessments by March 1st, and a March 28th bid opening.	
<b>Division Manager</b> Roger Kobilarcsik	<b>Date</b> December 11, 2013

Res #99

RESOLUTION NO. 2013-100

A RESOLUTION DECLARING THE NECESSITY OF  
CONSTRUCTING SIDEWALKS AND CURB RAMPS ON  
WEST HIGHLAND AVENUE, AND DECLARING AN  
EMERGENCY

WHEREAS, East Highland Avenue, between Christmas Run Boulevard and Oak Hill Road, is without sidewalks on either side of the street, and this Council believes that because of the concentration of residences and an elementary school within this area, the completion of sidewalks on East Highland Avenue is essential to the safety of pedestrians traveling therein, and also consistent with the City's longstanding policy of promoting sidewalks in all areas of the city; and

WHEREAS, more than ninety-five percent (95%) of the cost of the project (approx. \$220,000.00) will be paid for with grant monies available under the Safe Routes to Schools program and other budgeted monies, with approximately \$4,000.00 of the cost to be assessed to adjoining property owners; and

WHEREAS, this City Council believes that prompt action is necessary to provide for the safety of pedestrian traffic in this area.

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

SECTION 1. That it is hereby determined to be necessary to construct certain sidewalks and curb ramps in the City of Wooster, Ohio on the north side of East Highland Avenue, between Christmas Run Boulevard and Oak Hill Road, for a distance of approximately 1,152 lineal feet.

SECTION 2. The plans, specifications and estimate of costs for the improvements are now on file in the office of the Clerk of this Council, and are hereby approved.

SECTION 3. The owners of each lot and parcel of land bounding and abutting on the proposed improvements shall construct those portions of the improvements which abut his/her property, in accordance with the plans and specifications filed in the office of the Clerk, within thirty (30) days after service of notice of the passage of this Resolution.

SECTION 4. In the event any such abutting property owner does not complete the construction of that portion of such improvements which abut his/her property in accordance with the plans and specifications and within the time prescribed, this Council will cause it to be done and the entire cost thereof assessed on the property of such abutting property owner.

SECTION 5. The Clerk of Council is hereby directed to serve notice of the passage of this Resolution on the owners of the lots and lands abutting on the improvements in the manner provided by law.



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

<b>Division</b> Engineering	<b>Meeting Date Requested</b> December 16, 20113
<b>Project Name</b> Kean Elementary School SRTS	<b>Approved for Agenda</b>
<b>Estimated Total Cost</b> \$220,000 (\$93,000 Capital Fund, \$123,000 ODOT SRTS Funds, \$4,000 Assessments)	
<b>Is Full Amount Budgeted</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>If No, How Is The Purchase To Be Funded?</b>	
<b>Description Of Purchase</b> This is a request to declare the necessity of constructing sidewalks on West Highland from just west of Christmas Run to Oak Hill Road and establish preliminary assessments to affected property owners. Total sidewalk assessment length is 1152 feet with an assessment of \$4,000. Part of this sidewalk project is to enclose the ditch along the north side of W. Highland in preparation of future roadway improvements.	
<b>Justification / Benefits</b> This project continues the City's sidewalk construction and replacement program, installing sidewalks on improved streets where none exist, and where significant pedestrian traffic occurs, specifically on student walking routes to schools.	
Council has previously authorized funding for the SRTS program.	
<b>Will This Project Effect the City's Operating Costs</b> This project should have little or no effect on operating costs, since sidewalk maintenance is the responsibility of the individual property owners once constructed.	
<b>What Alternatives Exist and What Are The Implications of The Alternatives</b> We can do nothing and forfeit the ODOT SRTS funding.	
<b>Is This A Sole Source Bid or Non-Bid Situation</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>If Yes, Explain The Circumstances</b>	
<b>Are You Requesting Suspension Of The Rules</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>If Yes, Note Reasons</b> While suspension of the rules is not necessary, earlier passage would allow the opportunity to advertise and bid this project as soon as possible and take advantage of favorable bidding conditions.	
<b>Division Manager</b> Roger Kobilarcsik	<b>Date</b> December 10, 2013

Rgs # 100